

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS
ON REFERRAL BY THE COMMISSIONER OF REVENUE**

In the Matter of)

S. I.)

) OAH No. 23-0007-PFD

) Agency No. 2022-030-0919

DECISION

I. Introduction

S.I.'s application for a 2022 Permanent Fund Dividend (PFD) was denied because the PFD Division determined he had been incarcerated during the qualifying year under circumstances that would render him ineligible. Following an unsuccessful informal appeal, Mr. I requested a formal hearing by correspondence before this tribunal.

The Division's denial of Mr. I application is affirmed because Mr. I was incarcerated during the qualifying year of 2021 for a felony conviction. This disqualifies him from the 2021 dividend.

II. Facts

S.I. timely applied for a 2022 PFD. There are no issues regarding his eligibility apart from his incarceration during the preceding year.

Mr. I was incarcerated for 365 days in 2021 as a result of a felony conviction on December 11, 2019.¹ His sentence runs until 2051, when he will be 89 years old.²

After the PFD Division denied his application for a 2022 dividend and held to that position throughout the informal appeal process, Mr. I initiated a formal appeal. He checked the box on the Request for Formal Hearing form indicating a preference for a hearing by written correspondence only.³

By notice dated January 6, 2023, Mr. I and the Division were given until February 6, 2023 to send any additional documents or correspondence to the Office of Administrative Hearings for consideration. The Division filed a position statement. Mr. I sent in a lien claim. Mr. I had until February 20, 2023 to respond to the Division's filing, but filed nothing further.

¹ Exhibit 5, p. 1. *See also In re S.I.*, OAH No. 21-2395-PFD (Dept. of Revenue 2022).

² *Id.*

³ Exhibit 6, p. 1. He also indicated willingness to participate in person in Anchorage, but only if he could be transported at state expense.

III. Discussion

The Alaska legislature has directed that “an individual is not eligible for a permanent fund dividend for a dividend year when . . . during all or part of the qualifying year, the individual was incarcerated as a result of the conviction in this state of a . . . felony;”⁴ In enacting this provision, the legislature made the lookback period for prior convictions extend back to January 1, 1997.⁵ Mr. I was convicted more recently than that.

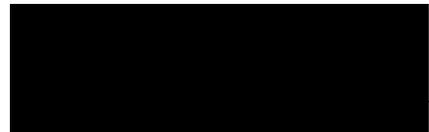
The qualifying year for a 2022 dividend was 2021.⁶ Mr. I spent the whole year incarcerated due to his 2019 felony conviction. This makes him ineligible for a 2022 dividend.

Mr. I does not contest any of this history, but in his appeal request he has declared that the state must pay him \$25 billion, and that 40 percent of PFD Specialist Peter Scott’s wages should be garnished until that amount is paid in full.⁷ In appeal filings and in more recent correspondence, he has also asserted a lien against Mr. Scott and others, which may be subject to AS 09.45.161 – 167. These assertions do not have any relationship to PFD eligibility.

IV. Conclusion

Mr. I’s incarceration during 2021 as a result of his felony conviction disqualifies him from a 2022 PFD. Therefore, the decision of the Permanent Fund Dividend Division to deny his application for a 2022 Permanent Fund Dividend is AFFIRMED.

DATED: March 22, 2023.

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Administrative Law Judge

[This decision has been redacted and names changed to conform with OAH publication standards.]

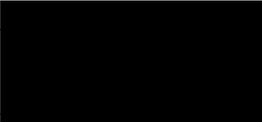
⁴ AS 43.23.005(d).
⁵ Sec. 6, ch. 46, SLA 1996.
⁶ AS 43.23.095(6).
⁷ Exhibit 6, p. 2.

Adoption

This Order is issued under the authority of AS 43.05.010 and AS 44.17.010. The undersigned, on behalf of the Commissioner of Revenue and in accordance with AS 44.64.060, adopts this Decision as the final administrative determination in this matter.

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with Alaska R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this 4th day of May

By: 

Signature

Adam Crum

Name

Commissioner, Department of Revenue

Title

Certificate of Service: The undersigned certifies that this is a true and correct copy of the original and that on this date an exact copy of the foregoing was provided to the following individuals: Ralph Hernandez Sr. (by mail); Delilah Bernaldo, PFD Division (by email).

Signature: 

Date: May 4, 2023

[This decision has been redacted and names changed to conform with OAH publication standards.]