



over 4 years since I got a felony.”<sup>6</sup> He further asserted that “[t]here was a law that was supposed to be passed *Gunlick v. State* that allowed inmates to get PFD and that includes felons.”<sup>7</sup>

For the informal appeal, the Department of Corrections confirmed that Mr. B. was incarcerated during 2022 as a result of a felony conviction for case number 4BE-16-00000CR.<sup>8</sup> The Division thus affirmed its denial.<sup>9</sup>

Mr. B. appealed, asserting that:

I saw on the Alaska channel 2 news and was told by family that I can now receive a PFD if I am incarcerated[.] [T]here was a recent law passed all over news stating this and the inmate law library has not been updated for me to provide more detail. Also when convicted I was told to file every year so that my court fees will get paid for and any other restitution I owe the state and what’s left would go to me<sup>10</sup>

Mr. B. requested a hearing by written correspondence. The Division provided a position statement and exhibits. Mr. B. did not submit additional evidence or briefing.

### III. Discussion

A person who was incarcerated in 2022 “as a result of the conviction in this state of a felony” is not eligible for a 2023 PFD.<sup>11</sup>

The Division provided evidence Mr. B. was incarcerated throughout 2022 on a 2019 felony conviction in case 4BE-16-00000CR. Mr. B. has not contradicted this evidence or denied that he was incarcerated in 2022 related to this felony conviction. Instead, Mr. B. argues that incarcerated felons are eligible under a new law to which he does not have access. There is a reason Mr. B. has been unable to find a law granting incarcerated felons PFD eligibility — no such law exists. The PFD statutes and regulations do not provide for incarcerated felons to receive PFDs. To the contrary, state statute expressly states that a person incarcerated during the qualifying year as a result of a felony is *not* eligible for a PFD. To the extent Mr. B. is thinking of court-made law, there does not appear to be any case holding that an incarcerated felon can be eligible for a PFD. Mr. B.’s informal appeal referred to “*Gunlick v. State.*” There are no Court of Appeals or Supreme Court cases by that name. There are two unpublished Court of Appeal

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<sup>6</sup> Ex. 3 at 3.

<sup>7</sup> *Id.*

<sup>8</sup> Ex. 4.

<sup>9</sup> Ex. 5.

<sup>10</sup> Ex. 6 at 2.

<sup>11</sup> AS 43.23.005(d)(2)(A).

“Gunlik v. State” decisions, but neither address Permanent Fund Dividends.<sup>12</sup> It is unclear what Mr. B. may have seen a news story about, but there is no law that would allow him to receive a PFD when he was incarcerated on a felony in the qualifying year.

The evidence shows Mr. B. was incarcerated in 2022 as a result of a felony conviction, and the law states that he is therefore ineligible for a 2023 PFD.

#### **IV. Conclusion**

Because Mr. B. was incarcerated in 2022, and his incarceration was a result of an earlier felony conviction, he is ineligible for a 2023 PFD. The Division’s decision is affirmed.

Dated: January 3, 2024

By: Signed  
Signature  
Rebecca Kruse  
Name  
Administrative Law Judge  
Title

[This document has been modified to conform to the technical standards for publication. Names may have been changed to protect privacy.]

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<sup>12</sup> See *Gunlik v. State*, No. A-13110, 2020 WL 9217966 (Alaska Ct. App. Nov. 12, 2020); *Gunlik v. State*, No. A-850, 1985 WL 1077926 (Alaska Ct. App. May 22, 1985).

## 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 30th day of January, 2024.

By: Signed  
Signature  
Rebecca Kruse  
Name  
Administrative Law Judge  
Title

