

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

In the Matter of	)	
	)	
S.J SR.	)	OAH No. 24-0585-PFD
_____	)	

NOTICE TRANSMITTING FINAL DECISION

Attached is the administrative law judge's decision in this matter, which became the final agency decision on December 31, 2024 by operation of AS 44.64.060(f).

Judicial review of the decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with Alaska Rule of Appellate Procedure 602(a)(2) within 30 days after the decision is mailed or otherwise distributed.

DATED: December 31, 2024.

By: Signed
Office of Administrative Hearings

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S.J SR..	)	OAH No. 24-0585-PFD
	)	
2024 Permanent Fund Dividend	)	

DECISION

I. Introduction

S.J Sr.’s application for a 2024 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. J requested a formal appeal hearing by correspondence before this tribunal.

The Division’s denial of Mr. J’s application is affirmed because Mr. J was incarcerated during the qualifying year of 2023 for a felony conviction. This incarceration disqualifies him from the 2024 dividend.

II. Facts

S.J Sr. timely applied for his 2024 PFD.¹ There are no issues regarding his eligibility apart from his incarceration during the qualifying year. Mr. J was incarcerated for 365 days in 2023 as a result of a felony conviction on 00/00/2019.² Mr. J’s sentence on this conviction runs until 2051, when he will be 89 years old.³

After the PFD Division denied his application for a 2024 dividend and maintained that decision throughout the formal appeal process, Mr. J initiated a formal appeal. On his Request for Formal Hearing form, he checked the box indicating that his preference for a hearing was by written correspondence only.⁴

By notice dated September 13, 2024, Mr. J and the Division were given until October 14, 2024, to send any additional documents or correspondence to the Office of Administrative Hearings for consideration and a deadline of October 28, 2024, to submit a response to any materials the other side submitted.

¹ Div. Ex. 1, pp. 1-4.

² Div. Ex. 5, P.1. *See also In re J*, OAH 23-0007-PFD (Dept. of Revenue 2023)

³ *Id.*

⁴ Div. Ex. 6, p.1.

The Division filed a position statement and Exhibits 1-6 with OAH on October 9, 2024. The Division’s filing was accompanied by a Certification of Mailing certifying that the same filing was mailed to Mr. J at his provided address on October 9, 2024. No documents were sent in by Mr. J, nor did he submit any response to the materials the Division submitted.

As part of the documentation Mr. J submitted with his informal appeal, he included a Complaint filed in the Alaska Superior Court, case number 3AN-22-0723, alleging that the State of Alaska and subordinates have committed fraud by “avoiding to produce a valid ‘Bond’ fulfilled within: AS 39.15.010 thru AS 39.15.100[.]”⁵ He also provided a “Motion to Void Final Summary Judgment,” apparently from the same Superior Court case.⁶

As the basis of his formal appeal, Mr. J cited the following as his informal appeal decision facts: obstruction of justice; common law jurisdiction only, no maritime; secure party 2024-006419-5; and finally, just the word “recorded”.⁷ Attached to his request for a formal appeal, Mr. J attached a lien against Assistant Attorney General Christopher Yandel for the sum of 17.5 billion dollars.⁸

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;”⁹ In enacting this provision, the legislature made the lookback period for prior convictions extend back to January 1, 1997.¹⁰ Mr. J was convicted more recently than that, in 2019.

The qualifying year for a 2024 dividend was 2023.¹¹ Mr. J spent the entire qualifying year incarcerated due to his 2019 felony conviction. This fact makes him ineligible for a 2024 dividend.

Despite the documents attached to his informal and formal appeal, Mr. J does not contest his incarceration during the qualifying year for a felony conviction. The filings he

⁵ Div. Ex. 3, p. 4.

⁶ Div. Ex. 3, p.5.

⁷ Div. Ec. 6, p. 2.

⁸ Div. Ex. 6, p. 3.

⁹ AS 43.23.005(d).

¹⁰ Sec. 6, ch. 46, SLA 1996.

¹¹ AS 43.23.295(6).

has attached and the lien he asserts against AAG Yandel have no relationship to PFD eligibility.

IV. Conclusion

Mr. J's incarceration during 2023 as a result of his felony conviction disqualifies him from his 2024 PFD. Therefore, the decision of the Permanent Fund Dividend Division to deny his application for the 2024 Permanent Fund Dividend is AFFIRMED.

Dated: November 15, 2024

Signed

Beth Goldstein
Administrative Law Judge

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