

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

In the Matter of	)	
	)	
L.Q JR.	)	OAH No. 25-1374-PFD
	)	
2024 Permanent Fund Dividend	)	

DECISION

I. Introduction

L.Q Jr. was found ineligible for the 2024 Permanent Fund Dividend (PFD) because the PFD Division (the “Division”) determined that he had been convicted and sentenced for a felony offense in Alaska during calendar year 2023.¹

Mr. Q requested a hearing by correspondence.² A review of the parties’ written submissions and hearing exhibits establishes that Mr. Q was sentenced for a felony offense during calendar year 2023.³ Further, the evidence establishes that Mr. Q’s request for a formal appeal before this office was untimely. Therefore, for both reasons, the division’s denial of Mr. Q’s 2024 PFD application is AFFIRMED.

II. Material Facts

In January 2024, Mr. Q submitted an application for a 2024 PFD.⁴ On July 26, 2024, the Division denied Mr. Q’s application on the basis that he was sentenced for a felony in Alaska during 2023, the qualifying calendar year for the 2024 Alaska PFD.⁵ The Division cited Mr.

¹ Exhibit 2.

² Exhibit 6.

³ Exhibit 4.

⁴ Exhibit 1.

⁵ Exhibit 2; *see also Division position statement*, (June 25, 2025), at p. 2.

Q's plea of "guilty" for the offense of conspiracy to commit third degree controlled substance misconduct on 00/00/2023 in Fairbanks Superior Court in case 4FA-21-0000 CR.⁶

On November 26, 2024, Mr. Q requested an informal appeal.⁷ His informal appeal request was submitted two months after the applicable deadline.⁸ In his informal appeal, Mr. Q contended, "I wasn't sentence (*sic*) just on probation, did not serve one day in jail [] so I think I should be getting the PFD..."⁹ On January 29, 2025, the division denied Mr. Q's informal appeal.¹⁰

On May 2, 2025, Mr. Q requested a formal appeal before this office.¹¹ This appeal was filed more than two months after expiration of the applicable deadline.¹² Mr. Q requested a hearing by correspondence.¹³ In support of his appeal, Mr. Q offered his statement that, "I did not serve jail time, just on probation..."¹⁴

In its formal position statement, the Division argues that Mr. Q's request for a formal appeal was filed roughly two months late, and it seeks dismissal of this appeal for this reason.¹⁵

III. Discussion

Alaska law provides that in PFD appeals such as this case, the person appealing a PFD denial bears the burden of proving, by a preponderance of the evidence, that the denial was

⁶ Exhibits 3 & 4. The Division did not submit a judgment from this case. Rather, it submitted an abstract from the Department of Public Safety (DPS), reporting this conviction. The DPS abstract is corroborated by the Alaska Court System's on-line *Courtview* database, which reflects the same conviction on that same date, and of which official administrative notice is taken. *See Alaska Courtview*, case 4FA-21-0000 CR, docket entry for 00/00/2023. Under Alaska law, conspiracy to commit third degree controlled substance misconduct is a class C felony offense. *See* 11.31.120(i)(4); AS 11.71.030.

⁷ Exhibit 3.

⁸ *Division position statement*, (June 25, 2025), at p. 1.

⁹ Exhibit 3.

¹⁰ Exhibit 5.

¹¹ Exhibit 6.

¹² *Division position statement*, (June 25, 2025), at p. 3.

¹³ Exhibit 6.

¹⁴ *Id.*

¹⁵ *Division position statement*, (June 25, 2025), at p. 3.

incorrect.¹⁶ Statute further provides that, “[A]n individual is not eligible for a permanent fund dividend for a dividend year when during the qualifying year, the individual was sentenced as a result of conviction in this state of a felony...”¹⁷

In this appeal, Mr. Q misconstrues this statute. He contends that he did not serve jail time.¹⁸ While this might be true, it also misses the mark. The question is not whether Mr. Q served jail time, but rather, whether Mr. Q “was sentenced.”¹⁹ Mr. Q’s own statement establishes that he was placed “on probation.”²⁰ A defendant who has been placed on probation, has, in fact, been “sentenced,” probation being by definition, a sentencing component.²¹ Thus, the uncontradicted record of this case establishes that Mr. Qs was “sentenced” for a felony offense during calendar year 2023. Therefore, Mr. Q has failed to sustain his burden to establish that the Division’s denial was incorrect.

Likewise, the chronological record of this case establishes that Mr. Q’s request for an appeal in this case was untimely. Regulation provides that a request for a formal appeal following an unsuccessful informal appeal, “must be filed within 30 days after the date the informal conference decision is issued...”²² As the Division notes, Mr. Q’s request for an formal appeal was filed on April 30, 2025 -- 61 days after the expiration of this deadline.²³ Mr. Qs has offered no reason which might establish cause to disregard his untimely appeal. Accordingly, the Division’s motion to dismiss carries merit, and constitutes an alternative basis for affirming the division’s denial.

IV. Conclusion

The uncontradicted evidence in this case establishes that Mr. Q was sentenced for a felony in the qualifying year. The Division correctly denied Mr. Q’s 2024 PFD application for

¹⁶ 15 AAC 05.030(h).

¹⁷ AS 43.23.005(d)(1).

¹⁸ Exhibit 6.

¹⁹ AS 43.23.005(d)(1).

²⁰ Exhibit 6, page 5.

²¹ See AS 12.55.015(a) (establishing probation as a sentencing component); AS 12.55.090 (probation, generally).

²² 15 AAC 05.030(a).

²³ *Division position statement*, (June 25, 2025), at p. 2-3.

this reason. Further, Mr. Q's appeal of this denial was untimely. His appeal is denied for both reasons.

Dated: November 28, 2025

Signed

James Fayette
Administrative Law Judge

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 31st day of December, 2025.

By: Signed

Signature
James Fayette

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.]