

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

In the Matter of	)	
	)	
K. U. T.	)	OAH No. 23-0063-PFD
	)	
_____	)	

DECISION

I. Introduction

K. U. T. was denied a 2022 Permanent Fund Dividend (“PFD”) because he was incarcerated during 2021 and had two prior misdemeanor convictions. The Department of Revenue Permanent Fund Dividend Division (“Division”) confirmed this information with the Department of Corrections. Mr. T. pointed out that the 2021 incarceration was under the name “H. U. T.” As discussed below, the evidence shows K. T. and H. T. are one and the same and that Mr. T. was indeed incarcerated in 2021 and had two prior misdemeanor convictions. Accordingly he is ineligible for a 2022 PFD and the Division’s decision is affirmed.

II. Background

K. T. is a lifelong Alaskan. Under the same social security number, he received PFDs under the name “H. U. T.” for 1987-88 and 1990-94, “K. U. T.” for 1995-2020 and “K. U. T., Sr.” for 2021.¹

The PFD Division denied Mr. T.’s application for a 2022 PFD because he was incarcerated during the qualifying year, 2021.² A person who is incarcerated during any part of the qualifying year on a misdemeanor conviction, and has at least two prior misdemeanor convictions, is ineligible for a PFD.³ Mr. T. appealed, stating he was not arrested in 2021.⁴

The Department of Corrections (“DOC”) confirmed that a person with the same social security number was convicted for misdemeanors in 2012 and 2018 and convicted of a misdemeanor again in 2021, serving time from September 12, 2021 to September 15,

¹ Ex. 2.

² Ex. 3.

³ AS 43.23.005(d)(2).

⁴ Ex. 4.

2021.⁵ DOC handwrote “(H. U. T.)” next to the name “K. U. T.” on this form.⁶ The form, however identifies both Mr. T.’s social security address and date of birth, 00-00-1986.⁷ Courtview records confirm the 2012 and 2018 convictions for “K. T.,” date of birth 00-00-1986, and 2021 conviction for “H. T.,” also date of birth 00-00-1986.⁸

The Division affirmed its PFD denial on informal review.⁹ Mr. T. appealed, stating “My name is K. U. T. I’m not H. U. T.”¹⁰ Mr. T. requested a hearing on written submissions.¹¹ The Division provided a position statement and several exhibits. Mr. T. did not submit anything.

III. Discussion

As the appellant, Mr. T. has the burden of proving that he is eligible for a 2022 PFD.

A person who was incarcerated for a misdemeanor conviction during any part of the qualifying year and has two or more prior misdemeanor convictions is ineligible for a PFD.¹² The Division provided evidence from DOC that Mr. T. was incarcerated in 2021 on a misdemeanor conviction and that he had at least two prior misdemeanor convictions. Mr. T. neither denied he was incarcerated in 2021 and had two prior misdemeanor convictions, nor did he provide any contradictory evidence. He merely pointed out that the most recent conviction was under the name “H.,” and his name is “K.” DOC’s confirmation of Mr. T.’s convictions and incarceration, however, is based on his social security number and date of birth. Court records further show the same date of birth for all three convictions. And the PFD Division’s records show Mr. T. received PFDs, under the same social security number, as both “H.” and “K.” Thus the evidence shows that it was indeed Mr. T. who served time in 2021.

The evidence shows Mr. T. was incarcerated in 2021 and had two prior misdemeanor convictions. Mr. T. is therefore ineligible for a 2022 PFD.

IV. Conclusion

⁵ Ex. 5.

⁶ Id.

⁷ Id.

⁸ Courtview docket for 4SM-12-0000CR, 4SM-12-0000CR, and 3AN-19-00000CR, of which administrative notice is taken.

⁹ Ex. 6.

¹⁰ Ex. 7 at 2.

¹¹ Ex. 7 at 1.

¹² AS 43.23.005(d)(2).

Because Mr. T. was incarcerated in 2021 on a misdemeanor conviction and had at least two prior misdemeanor convictions, he was ineligible for a 2022 PFD under AS 43.23.005(d)(2). The Division's decision is affirmed.

Dated: March 14, 2023

SIGNED
Rebecca Kruse
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 7th day of April, 2023.

By: SIGNED

Signature

Rebecca Kruse

Name

Administrative Law Judge

Title

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