

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

In the Matter of	)	
	)	
B.C.S	)	OAH No. 25-3035-PFD
	)	
2025 Permanent Fund Dividend	)	

DECISION

I. INTRODUCTION

Gunnery Sergeant B.C.S is a longtime Alaskan who has been away from the state since 2007, serving in the Marine Corps. Being an Alaskan and meeting the residency requirements for a Permanent Fund Dividend (“PFD”), however, are not the same thing. The PFD Division denied Gunnery Sergeant C.S’s PFD application several times since he has been away serving in the military, most recently for the 2025 dividend year. Gunnery Sergeant C.S has the burden to show that he has continued to meet residency requirements during his years serving out of state — including a requirement to spend requisite days in state since 2009. Gunnery Sergeant C.S did not provide sufficient evidence to meet that burden. Accordingly, the Division’s decision denying his 2025 PFD is affirmed.

II. BACKGROUND

B.C.S emigrated from Country A as an asylee when he was a teenager.¹ He received PFDs from 2003-2007, when he enlisted in the United States Marine Corps, currently holding the rank of Gunnery Sergeant.² When Gunnery Sergeant C.S applied for a 2008 PFD, the Division denied his application because he ticked a box indicating that he did not “intend to return to Alaska to remain indefinitely and make your principal home in the state.”³ Gunnery Sergeant C.S did not appeal the 2008 PFD denial.

He was subsequently denied in 2010, 2012, 2013, and consecutively from 2020 through 2024. He did not apply in 2009, 2011, or from 2014 through 2019.⁴

Gunnery Sergeant C.S applied again for 2025. The Division denied, asserting that his residency for PFD-purposes began on July 16, 2023. Because he left Alaska again on

¹ Ex. 8.
² Ex. 1 at 7; Ex. 4 at 21.
³ Division Position Statement at 2.
⁴ Ex. 1 at 7.

July 31, 2023 and was absent from the state for 351 days in 2024, the Division concluded that he had not been in state long enough to re-establish residency to be eligible for a 2025 PFD.⁵ Gunnery Sergeant C.S requested an informal appeal, questioning why he has been repeatedly denied a PFD when he has kept Alaska as his home state on “all important paperwork,” has an Alaska driver’s license and voter registration, drives a car registered in Alaska, and regularly visits his family here.⁶ He submitted: 2022 tax documents and a December 2024 statement for a bank account listing a City A post office box as his address;⁷ leave and earnings statements from December 2022, July 2023, December 2023, December 2024, and February 2025 listing Alaska for state tax withholding purposes;⁸ approved leave request forms authorizing him to travel to City A December 17, 2019 through January 4, 2020, December 19, 2020 through January 7, 2021, December 19, 2021 through January 3, 2022, December 19, 2022 through January 4, 2023, July 13 through 29, 2023, April 17 through 30, 2024, and December 16, 2024 through January 10, 2025;⁹ and credit card and bank statements listing transactions in Alaska during December 2021, January 2022, and December 2024.¹⁰

On informal appeal, the Division again denied Gunnery Sergeant C.S’s 2025 PFD application, stating that he had not re-established and maintained Alaska residency for the 2024 qualifying year.¹¹ Gunnery Sergeant C.S requested this formal appeal, reiterating that he has not claimed residency in another state, is registered to vote in Alaska, and has a vehicle registered in Alaska, and also explained that he did not apply for PFDs in various years while stationed overseas or in training for deployment to Iraq.¹²

A hearing was held on November 26, 2025.

III. DISCUSSION

⁵ Ex. 2 at 1.

⁶ Ex. 3 at 2.

⁷ Ex. 3 at 5-7.

⁸ Ex. 3 at 8-12.

⁹ Ex. 3 at 13; Ex. 4 at 3

¹⁰ Ex. 5.

¹¹ Ex. 6.

¹² Ex. 7.

To be eligible for a 2025 PFD, Gunnery Sergeant C.S needs to meet the residency requirements specific to PFDs.¹³ He has the burden of showing that the Division incorrectly found that he was not eligible.¹⁴

It is undisputed that Gunnery Sergeant C.S was an Alaska resident for purposes of PFD eligibility as of August 2007, when he enlisted in the Marine Corps, and that he has served outside Alaska since then. A person serving active duty in the military can maintain Alaska residency while living and serving outside the state if certain requirements are met.¹⁵ One requirement is that, starting with the 2014 PFD, a servicemember must spend at least 30 cumulative days in Alaska during the prior five years.¹⁶ If a person fails to satisfy that 5-year requirement, residency is severed and must be re-established.¹⁷

Gunnery Sergeant C.S has not provided sufficient evidence to find that he has satisfied this 5-year requirement since the 2014 PFD year.¹⁸ He provided evidence of time he spent in Alaska from 2020-2024. But he has lived outside Alaska since 2007. Starting with the 2014 PFD year, Gunnery Sergeant C.S would need to have spent at least 30 days in Alaska between January 1, 2009 and December 31, 2013 or his residency would be considered severed. It is understandable that Gunnery Sergeant C.S does not have travel, bank, or other records going back to 2009. But evidence is what a party needs to satisfy a burden. Based on the lack of evidence that he satisfied the 5-year rule starting in PFD year 2014, Gunnery Sergeant C.S fails to meet his burden to show that he has maintained Alaska residency throughout his many years of military service. Gunnery Sergeant C.S has shown that he spent time in Alaska during the past five years, from 2020 to 2024. But satisfying the 5-year rule for the 2025 PFD year is insufficient if he had not maintained Alaska residency in the years leading up to 2025. Gunnery Sergeant C.S has not provided sufficient

¹³ AS 43.23.005(a)(3).

¹⁴ 15 AAC 23.173(i); 15 AAC 05.030(h).

¹⁵ AS 43.23.008(a)(3).

¹⁶ AS 43.23.008(d).

¹⁷ *Jones v. State, Dep't of Revenue*, 441 P.3d 966, 974-75 (Alaska 2019).

¹⁸ That Gunnery Sergeant C.S did not apply for a 2014 PFD is of no consequence. There is certainly no requirement that a person continuously apply for PFDs, nor adverse inference to draw from the fact that a person chooses not to apply in a given year. But the 5-year rule applies regardless of whether a person applies for a PFD in a given year. Thus if Gunnery Sergeant C.S did not spend 30 days in Alaska between 2009 and 2013, his residency would be severed and need to be re-established to be eligible for a future PFD, regardless of whether he applied for a PFD in 2014 or years later in 2025.

evidence that he spent sufficient time in Alaska between 2009 and 2020 to have maintained that residency.

There are other reasons the parties might argue for or against Gunnery Sergeant C.S.'s PFD eligibility. But because he has not met his burden on the 5-year rule, there is no need to address other issues.¹⁹

IV. CONCLUSION

Gunnery Sergeant C.S.'s case fails for a simple lack of evidence. There is no reason to question his long-time connection to Alaska. Nor is there any doubt that he has served this country admirably for many years. But residency for purposes of PFD eligibility is a high bar that requires ongoing time in Alaska — and evidence that a person has spent that time here. Gunnery Sergeant C.S. did not provide sufficient evidence to determine that he spent the requisite time in Alaska going back to 2009. Accordingly, the Division's decision is affirmed.

Dated: December 18, 2025

Signed

Rebecca Kruse
Administrative Law Judge

¹⁹ In particular, the Division asserts a 2021 informal appeal decision forecloses arguments here based on collateral estoppel. Collateral estoppel can bar re-litigation of issues essential a “final decision on the merits.” *Jackinsky v. Jackinsky*, 894 P.2d 650, 654 (Alaska 1995). This doctrine does not necessarily apply to every decision or issue. Whether a decision is a final judgment on the merits or an issue is the same as a prior final judgment or was essential to that final judgment are case-specific questions. These are questions that need not be addressed here.

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 13th day of January, 2026.

By: Signed
Rebecca Kruse
Administrative Law Judge

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