

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

In the Matter of	)	
	)	
X. N.	)	OAH No. 25-3322-PFD
	)	
2025 Permanent Fund Dividend	)	

DECISION

I. Introduction

X. N. was denied a 2025 Permanent Fund Dividend (“PFD”) because he was incarcerated during 2024 and had two or more prior misdemeanor convictions. The PFD Division confirmed this information with the Department of Corrections and court records further confirm the prior convictions. Mr. N. argued he was not incarcerated for a felony and pointed out that some of the days he was incarcerated preceded his conviction, but neither fact makes him eligible for a 2025 PFD. The Division’s decision is affirmed.

II. Background

A person who is incarcerated during any part of the qualifying year on a misdemeanor conviction, and who has prior convictions for a felony or at least two misdemeanors, is ineligible for a PFD.¹

X. N. is a lifelong Alaskan who has received PFDs continuously throughout his life.² Mr. N. has been convicted of numerous misdemeanors:

- Misdemeanor underage consumption or possession of alcohol, convicted 00/00/2010.³
- Misdemeanor driving without a valid license, convicted 00/00/2011.⁴
- Misdemeanor reckless driving, convicted 00/00/2011.⁵
- Misdemeanor negligent driving, convicted 00/00/2015.⁶
- Misdemeanor possession of a controlled substance, convicted 00/00/2019.⁷

¹ AS 43.23.005(d)(2).

² Ex. 1 at 4.

³ CourtView docket for 4FA-10-00000CR, of which administrative notice is taken.

⁴ Ex. 3 at 4; CourtView docket for 4FA-10-00000CR, of which administrative notice is taken. Ex.

⁵ 7 (Department of Corrections verification; CourtView docket for 4FA-11-00000CR, of which administrative notice is taken.

⁶ CourtView docket for 4FA-14-00000CR, of which administrative notice is taken.

- Misdemeanor Vehicle Theft, convicted 00/00/2024.⁸
- Misdemeanor driving under the influence, convicted 00/00/2024.⁹

For his last misdemeanor on the list above, Mr. N. was incarcerated on 00/00/2024, 00/00/2024, and from 00/00/2024 to 00/00/2024.¹⁰

Mr. N. applied for a 2025 PFD, but was denied because he had been incarcerated during 2024 and had prior convictions.¹¹ Mr. N. requested an informal appeal, arguing that he had never been incarcerated for a felony.¹² On informal appeal, the Division again denied Mr. N.'s application based on his prior convictions and incarceration during 2024.¹³

Mr. N. requested this formal appeal, to be heard exclusively on written correspondence. In his appeal request, Mr. N. took issues with the Division finding he was incarcerated in 2024, stating that he was "in holding waiting for arraignment."¹⁴ The Division provided a position statement and several exhibits for this appeal. Mr. N. had an opportunity to respond, but did not.

III. Discussion

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.¹⁵

The Division provided evidence from the Department of Corrections that Mr. N. was incarcerated in 2024 on a misdemeanor conviction. Mr. N. pointed out that he was not incarcerated for a felony and that some of his days of incarceration were prior to his conviction. But, by statute, a person may be ineligible for a PFD because of incarceration for a misdemeanor. And Mr. N. was convicted, sentenced, and incarcerated for a misdemeanor in 2024. That some of the days he was incarcerated preceded his conviction

⁷ Ex. 7 (Department of Corrections verification); Docket for 4FA-19-00000CR, of which administrative notice is taken.

⁸ Ex. 3 at 4 (Department of Corrections verification); CourtView docket for 4FA-23-00000CR, of which administrative notice is taken.

⁹ Ex. 3 at 4; CourtView docket for 4FA-24-00000CR, of which administrative notice is taken. See also Ex. 5 (Judgment and Amended Judgments for 4FA-24-00000CR, sentencing Mr. N. to three days incarceration).

¹⁰ Ex. 3 at 4.

¹¹ Ex. 1-2.

¹² Ex. 3.

¹³ Ex. 4.

¹⁴ Ex. 6.

¹⁵ AS 43.23.005(d)(2).

and were credited against his sentence does not alter the fact that he was incarcerated because of a misdemeanor conviction during 2024.

The evidence further shows that Mr. N. had a number of prior misdemeanor convictions — well over the minimum two priors that render a person ineligible for a PFD. Mr. N. did not deny these convictions or provide any contradictory evidence.

Because Mr. N. was incarcerated in 2024 because of a misdemeanor conviction and had previously been convicted of at least two misdemeanors, he was ineligible for a 2025 PFD. The Division's decision is affirmed.

IV. Conclusion

Because Mr. N. was incarcerated in 2024 on a misdemeanor conviction and had at least two prior misdemeanor convictions, he was ineligible for a 2025 PFD under AS 43.23.005(d)(2). The Division's decision is affirmed.

Dated: February 17, 2026

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 16th day of March, 2026.

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.]