

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

IN THE MATTER OF

A.S. and her child G.S.

Case No. OAH 05-0300-PFD

2004 Permanent Fund Dividend

**DECISION & ORDER**

**I. Introduction**

A.S. timely applied for 2004 permanent fund dividends for herself and on behalf of her child G.S. The Permanent Fund Dividend Division determined that the applicants were not eligible, and it denied the applications initially and at the informal appeal level. Ms. S. requested a formal hearing by written correspondence. The administrative law judge affirms the division's decision.

**II. Facts**

Ms. S. has lived in Anchorage since October, 2002. She owns property in Florida. Ms. S. has stated that she intends to stay in Alaska, and that the Florida property is rented out on a long-term lease. Although the property is rented out, Ms. S. still received a homestead tax exemption in 2003 for the property. Because of this homestead exemption, she paid less money for Florida property taxes than she would have if she had not claimed the homestead exemption.

**III. Discussion**

The PFD Division has moved for summary adjudication, which is when the administrative law judge makes decision without taking testimony in person or by telephone. Ms. S. requested a hearing by written correspondence only; she did not ask to present testimony. The division's motion, therefore, does not require a decision.

The following law applies to this case:

15 A A C 23.143(d). An individual is not eligible for a dividend if, any time from January 1 of the qualifying year through the date of application, the individual has... (6) claimed or maintained a claim of a homestead property tax exemption in another state or country....

A homestead tax exemption allows people to pay less tax on their primary home they would on second homes or on houses owned for investment reasons. Homestead exemption laws vary by state, but most states require a homeowner to notify the county or local taxing authority if the

person is no longer using a house as their principal home, in which case the person usually would not qualify any more for the homestead exemption.

Even if the person is an Alaska resident, a person who receives a homestead exemption in another state is not eligible for a permanent fund dividend. In 2003, Ms. S. paid the lower tax in Florida that is reserved only for residents of that state. Because she claimed a homestead exemption in Florida during the qualifying year, Ms. S. does not qualify for a 2004 permanent fund dividend. Because Ms. S. is not eligible, G. does not have an eligible sponsor.

#### **IV. Conclusion**

Ms. S. is not eligible for a 2004 PFD because she claimed a homestead exemption in another state during the qualifying year. G.S. does not have an eligible sponsor. The division's decision to deny the applications should be affirmed.

#### **V. Order**

IT IS HEREBY ORDERED that the decision of the Permanent Fund Dividend Division to deny the applications of A.S. and G.S. for 2004 permanent fund dividends be AFFIRMED.

DATED this 15th day of November, 2005.

By: DALE WHITNEY  
Administrative Law Judge

### **Adoption**

This Order is issued under the authority of AS 43.05.010 and AS 44.17.010.1, Dale Whitney, Administrative Law Judge, on behalf of the Commissioner of Revenue, order that this decision and order relating to the eligibility of A.S. and G.S. for 2004 permanent fund dividends be adopted and entered in their file as the final administrative determination in this appeal.

Reconsideration of this decision may be obtained by filing a written motion for reconsideration within 10 days after the date of this decision, pursuant to 15 A A C 05.035(a). The motion must state specific grounds for relief, and, if mailed, should be addressed to: Commissioner's Office Appeals (Reconsideration), Alaska Department of Revenue, P.O. Box 110400, Juneau, Alaska 99811-0400.

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with AS 25.27.210 within 30 days of the date of this decision.

DATED this 15th day of November, 2005.

By: DALE WHITNEY  
Administrative Law Judge

The undersigned certifies that this date an exact copy of the foregoing was provided to the following individuals:

Case Parties  
11/15/05