

Adjudications

OVERVIEW

The Adjudications Section evaluates, classifies and adjudicates applications for limited entry permits. Permit applicants are classified and ranked against each other under point systems that measure each applicant's past participation and economic dependence on a fishery. Entry permits are issued first to applicants shown by their point levels to be most dependent on a fishery and then to applicants at successively lower classification levels until the maximum number of permits for the fishery has been issued.

Adjudication functions are performed by two paralegals, two hearing officers and the Commissioners. The paralegals evaluate entry permit applications and make the initial determination on accepting, denying and classifying them. An applicant may challenge the denial or classification of an entry permit application by requesting a hearing. Commission hearing officers conduct administrative hearings and issue decisions based on the record.

Hearings may also be requested if the Commission's Licensing Section denies requests for emergency transfers or permanent transfers of entry permits. Emergency transfer hearings are held and decided by paralegals. Permanent transfer hearings are held and decided by hearing officers.

The Commissioners review each paralegal and hearing officer decision and may order further review and hearings on their own motion or upon the request of an affected party, and may take formal action to modify, reverse or affirm the decisions.

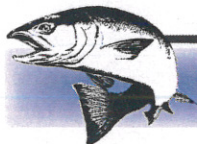
Commission hearing officers also preside over hearings arising from enforcement (notice to show cause) proceedings, where the Commission may impose fines, or revoke or suspend the permits of those who attempt to mislead the Commission with false information. These hearings are held in the presence of the Commissioners.

**COMMISSION HEARING
OFFICERS CONDUCT AD-
MINISTRATIVE HEARINGS
AND ISSUE DECISIONS
BASED ON THE RECORD.**

ADMINISTRATIVE PROCEEDINGS AND DECISIONS

The Adjudications staff issued 45 decisions in 2007. Twenty-seven decisions were issued on permit applications, 16 on permit transfers and 2 on notices to show cause, fines and miscellaneous matters such as refunds and demerit points. At the end of the year, 43 entry permit application cases were pending before hearing officers.

The Commissioners adjudicated a total of 80 cases during 2007. Fifty-one cases were adjudicated on permit applications, 27 on permit transfers and 2 on notices to show cause, fines and



miscellaneous matters. At the end of the year, 76 entry permit application cases were pending before the Commissioners.

By the end of 2007, Commissioners and Hearing Officers made substantial progress through the Commission's adjudication caseload. Looking back to 1990, as the result of the Wassilie settlement (authorizing hundreds of new applications in the salmon fisheries) and a series of Alaska Supreme Court cases during the 1980's, the Commission's caseload had risen to nearly 900 cases. Additionally, since 1990, the Commission has been required by statute to limit 26 additional fisheries generating thousands of new applications for entry permits. From 1990 through 2007, the Commission issued over 1,800 final decisions, thereby deciding cases at a rate faster than applicants filed new appeals and reducing its caseload to 119.

Commission's Overall Adjudication Caseload

