

**Findings of the Alaska Board of Game  
2004-146-BOG**

**Policy regarding Americans with Disabilities Act (ADA) Exemptions**

March 4, 2004

- 1) In 5 AAC 92.104(d)(3), the board has limited its delegation of authority to the Department to grant disability means and methods exemptions by prohibiting “any accommodation if the Board of Game has previously reviewed and acted on the same request.”
- 2) The exemption regulation, 5 AAC 92.104, is intended to provide authority for case-by-case decision on accommodations which do not necessarily act as binding precedents for future decisions, consistent with the underlying intent, and current legal interpretations, of the Americans with Disabilities Act. 42 USC § 12’ 01 et seq. It was not intended to create a body of administrative decisions which limit the Department’s freedom to address each new request with a full range of options.
- 3) It is, therefore, the Board’s intent that the limitation on granting accommodation “if the Board of Game has previously reviewed and acted on the same request” be interpreted narrowly, such that the Department is not prohibited from granting requests for exemptions which bear some factual similarities to requests previously acted upon by the Board, but which are brought by different applicants or which have different factual settings.

Vote: 7/0

March 4, 2004

Fairbanks, Alaska

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Mike Fleagle, Chair  
Alaska Board of Game