BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of	)	
	)	DOCKET NO. 18591
[REDACTED],	)	
	)	DECISION
Petitioner.	)	
	)	

On September 10, 2004, the Tax Discovery Bureau (Bureau) of the Idaho State Tax Commission issued a Notice of Deficiency Determination to [Redacted] (taxpayer), proposing income tax, penalty, and interest for taxable years 2001 and 2002 in the total amount of $2,408.

The taxpayer filed a timely appeal. She did not request a hearing and did not submit additional information. Therefore, the Tax Commission, having reviewed the file, hereby issues its decision based upon the information contained in the file.

Because Tax Commission records showed the taxpayer met the state income tax filing requirements and had not filed an Idaho return for 2001 or 2002, the Bureau attempted to contact the taxpayer for clarification. The taxpayer did not respond.

[Redacted] Idaho Code § 63-3045 (1)(a) states:

> **63-3045. Notice of redetermination or deficiency -- Interest.** (1) (a) If, in the case of any taxpayer, the state tax commission determines that there is a deficiency in respect of the tax imposed by this title, the state tax commission shall, immediately upon discovery thereof, send notice of such deficiency to the taxpayer by registered or certified mail or by other commercial delivery service providing proof of delivery, whichever is the most cost efficient. The notice shall be sent to the taxpayer's last address known to the state tax commission. The notice of deficiency shall be accompanied by an explanation of the specific reason for the determination and an explanation of the taxpayer's right to appeal. Within sixty-three (63) days after such notice is mailed, the taxpayer may, at his option, file a protest in writing with the state tax commission and obtain redetermination of the deficiency.

Determining the taxpayer had a requirement to file resident individual income tax returns, the

Bureau prepared a return on her behalf and sent her a Notice of Deficiency Determination. In response to the notice, the taxpayer sent a letter of protest that was signed by her husband and herself. In that letter, the taxpayer and her husband asked for, "a thirty day extension to finalize the preparation of our tax material . . ." They said they would like to submit the returns and pay the tax by December 10, 2004.

On December 21, 2004, the Bureau sent the taxpayer a letter asking about the promised returns. The taxpayer responded with a note received on January 8, 2005, that said her former accountant had "messed-up the 2001 taxes . . ." and her new accountant is "finishing up the 2001 + 2002 taxes and I will supply them ASAP."

The taxpayer's file was transferred to the Legal/Tax Policy Division for administrative review. She did not respond to a letter from the Tax Appeals Specialist advising her of her appeal rights.

The taxpayer does not deny she has a requirement to file Idaho individual income tax returns for the years 2001 and 2002. She has not filed the returns and has submitted nothing that would cast doubt on the Bureau's determination that was based on records retained by [Redacted] Idaho Department of Labor, and Tax Commission.

Idaho Code § 63-3031 allows a married taxpayer to file a joint return with his/her spouse combining both incomes less the total withholding while using the married filing joint deduction. The taxpayer did not file either a state or a federal return for either year. She did not make the election. Therefore, the Bureau prepared the taxpayer's returns on her behalf as married filing separate using the married filing separate deduction and splitting the income and withholding equally with her husband. Withholding shown in Tax Commission records was allowed to offset a portion of the resulting tax.

A Notice of Deficiency Determination issued by the Idaho State Tax Commission is presumed to be accurate. Parsons v. Idaho State Tax Com'n, 110 Idaho 572 (Ct. App. 1986). Having presented no information in support of her argument, the taxpayer has failed to meet her burden of proving error on the part of the deficiency determination. Albertson's, Inc. v. State, Dept. of Revenue, 106 Idaho 810 (1984).

WHEREFORE, the Notice of Deficiency Determination dated September 10, 2004, is hereby APPROVED, AFFIRMED, and MADE FINAL.

IT IS ORDERED and THIS DOES ORDER that the taxpayer pay the following tax, penalty, and interest:

YEAR	TAX	PENALTY	INTEREST	TOTAL
2001	$874	$219	$159	$1,252
2002	890	223	105	1,218
			TOTAL	$ 2,470

Interest is computed through May 16, 2005.

DEMAND for immediate payment of the foregoing amount is hereby made and given.

An explanation of taxpayer's right to appeal this decision is enclosed with this decision.

DATED this _____ day of _____, 2005.

IDAHO STATE TAX COMMISSION

_____
COMMISSIONER

CERTIFICATE OF SERVICE BY MAIL

I hereby certify that I have on this _____ day of _____, 2005, served a copy of the within and foregoing DECISION by sending the same by United States mail, postage prepaid, in an envelope addressed to:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

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