

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 14598
[REDACTED],)	
)	DECISION
Petitioner.)	
_____)	

On September 9, 1999, the staff of 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 the taxable years 1995 and 1996, in the total amount of \$62,662.

On November 11, 1999, the taxpayer's representative filed a timely appeal and petition for redetermination. The taxpayer did not request a hearing but submitted returns for the years in question. The Tax Commission, having reviewed the file, hereby issues its decision.

[Redacted]. The Bureau concluded the taxpayer was an Idaho resident with income in excess of the filing requirement of Idaho Code section 63-3030 and issued a Notice of Deficiency Determination.

The taxpayer appealed the Bureau's determination stating there were calculation errors in the returns prepared by the Bureau because deductions were not taken into account. Subsequently, the taxpayer's representative submitted returns for the years in question.

The Tax Commission reviewed the returns provided by the taxpayer for 1995 and 1996 and found them to be a more accurate representation of the taxpayer's taxable income. Therefore, the Tax Commission accepted the taxpayer's returns, subject to the normal review process of the Tax Commission, in lieu of the returns prepared by the Bureau.

The 1996 return prepared by the taxpayer resulted in a \$513 refund. However, Idaho Code section 63-3035(e) provided that no credit or refund shall be made to an employee who

fails to file a return within three years from the due date of the return. The statute of limitations for filing a claim on a 1996 return expired on April 15, 2000. The taxpayer submitted his 1996 return on May 4, 2001. Therefore, no refund is allowed.

WHEREFORE, the Notice of Deficiency Determination dated September 9, 1999, is hereby MODIFIED, in accordance with the provisions of this decision and, as so modified, is APPROVED, AFFIRMED, AND MADE FINAL.

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

YEAR	REFUND	TAX	PENALTY	INTEREST	TOTAL
1995	\$0	\$915	\$229	\$391	\$1,535
1996	\$0	\$ 0	\$ 0	\$ 0	<u>\$ 0</u>
			TOTAL DUE		<u>\$1,535</u>

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

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

DATED this ____ day of _____, 2001.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE

I hereby certify that on this ____ day of _____, 2001, a copy of the within and foregoing DECISION was served by sending the same by United States mail, postage prepaid, in an envelope addressed to:

[REDACTED]
[REDACTED][REDACTED]

Receipt No. [Redacted]

ADMINISTRATIVE ASSISTANT 1