

**BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO**

In the Matter of the Protest of	)	
	)	DOCKET NO. 14703
[Redacted],	)	
	)	DECISION
Petitioner.	)	
_____	)	

On April 4, 2000, the Tax Discovery Bureau of the Idaho State Tax Commission (Bureau) issued a Notice of Deficiency Determination to [Redacted] (taxpayer), proposing additional individual income taxes, penalties, and interest in the amount of \$445 for the year ending December 31, 1997.

The taxpayer filed a timely appeal and petition for redetermination. She did not request a conference. The Tax Commission has reviewed the file, is advised of its contents, and hereby issues its decision based thereon.

Idaho Code § 63-3002 provides:

Declaration of intent. It is the intent of the legislature by the adoption of this act, insofar as possible to make the provisions of the Idaho act identical to the provisions of the Federal Internal Revenue Code relating to the measurement of taxable income, to the end that the taxable income reported each taxable year by a taxpayer to the internal revenue service shall be the identical sum reported to this state, subject only to modifications contained in the Idaho law; . . .

The intent of the Idaho Legislature is to follow the federal determination subject only to modifications contained in Idaho law. [Redacted]. The change to the taxpayer's filing status resulted in additional federal and state income taxes. The Bureau issued a Notice of Deficiency, which the taxpayer's representative appealed.

The representative said the protest was "...based on the fact that Ms. [Redacted] rightfully

claimed her two children and provided over ½ of their support.” The Bureau responded by letter wherein the facts contained in the audit were explained. The taxpayer’s right to claim her two children was not questioned by [Redacted] the Tax Commission. The IRS’s audit changed the taxpayer’s filing status from Head of Household to Married Filing Separately, which resulted in adding the taxpayer and her husband’s income together and splitting the income and deductions between the two of them.

Neither the taxpayer nor her representative responded to the explanation of the notice, and the Bureau transferred the taxpayer's file to the Legal/Tax Policy Division for administrative review. The taxpayer did not respond to a letter from the Legal/Tax Policy Division that outlined her appeal rights. The taxpayer did not present any evidence regarding her marital status or her right to file her 1997 income tax returns using a filing status of Head of Household. In fact, nothing has been received from the taxpayer since her representative sent the letter of protest.

Pursuant to Idaho Code, the Tax Commission has chosen to follow the federal determination of income subject only to modifications in Idaho law. The Tax Commission has received no evidence that would dispute the results of the IRS audit.

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

Based upon the information in the file and the applicable law, the Tax Commission finds the Notice of Deficiency Determination should be upheld as asserted.

WHEREFORE, the Notice of Deficiency Determination dated April 4, 2000, is hereby APPROVED, AFFIRMED, AND MADE FINAL.

IT IS ORDERED and THIS DOES ORDER that the taxpayer pay the following taxes, penalties, and interest for 1997:

<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
\$366	\$18	\$81	\$465

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 enclosed with this decision.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2001.

IDAHO STATE TAX COMMISSION

\_\_\_\_\_  
COMMISSIONER

CERTIFICATE OF SERVICE BY MAIL

I hereby certify that I have on this \_\_\_\_ day of \_\_\_\_\_, 2001, 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]

\_\_\_\_\_  
ADMINISTRATIVE ASSISTANT 1