

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 14768
[REDACTED],)	
)	DECISION
)	
Petitioner.)	
_____)	

On March 16, 2000, the Tax Discovery Bureau of the Idaho State Tax Commission (Bureau) issued a Notice of Deficiency Determination to [Redacted] (taxpayer), proposing income taxes, penalties, and interest for tax years 1995 through 1997 in the total amount of \$10,284.

The taxpayer filed a timely protest. She did not request a hearing but rather chose to provide additional information. The Tax Commission, having reviewed the file, hereby issues its decision based thereon.

The Tax Commission obtained information showing the taxpayer was an Idaho resident who received Idaho wages and possibly income from self-employment during all the years at issue. [Redacted]. [Redacted].

After several attempts to contact the taxpayer without much response, the Bureau prepared provisional income tax returns on the taxpayer's behalf.

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.

The Bureau sent the taxpayer a Notice of Deficiency Determination that she appealed.

The taxpayer met with the Bureau staff at which time she explained errors in the facts and figures shown in a credit application that she had completed in 1999. The errors included a statement that she had been an employee with the National Guard for all three years. Actually, she had only been with the National Guard since July 1999.

After confirming the enlistment date, the Bureau notified the taxpayer that the portion of the deficiency notice that dealt with 1995 and 1997 was canceled because, without that income, the taxpayer's additional tax responsibility for each of those years was negligible.

The taxpayer's file was transferred to the Legal/Tax Policy Division for administrative review. The taxpayer did not respond to two separate letters from the Tax Appeals Specialist that explained her rights regarding her protest to the deficiency determination.

The taxpayer did not furnish her 1996 Idaho income tax return or any information other than that her total income for that year did not include the National Guard pay. Therefore, absent information to the contrary, the Tax Commission finds the provisional return prepared by the Bureau as adjusted (removing the income related to employment with the National Guard) to be an accurate reflection of the taxpayer's income for 1996.

WHEREFORE, the Notice of Deficiency Determination dated March 16, 2000, is hereby MODIFIED, and, as so modified, is APPROVED, AFFIRMED AND MADE FINAL.

IT IS ORDERED and THIS DOES ORDER that the taxpayer pay the following taxes, penalties, and interest for 1996:

<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
\$309	\$77	\$89	\$475

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 _____, 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]
