

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
[Redacted],)	DOCKET NO. 16102
)	
Petitioner.)	DECISION
)	
_____)	

On September 11, 2001, the staff of the Tax Discovery 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 year 1998 in the total amount of \$7,653.

On November 11, 2001, the taxpayer filed a timely appeal and petition for redetermination. The taxpayer did not respond to the Tax Commission's hearing rights letter and has provided no additional information for the Tax Commission to consider. The Tax Commission, having reviewed the file, hereby issues its decision.

While reviewing the Tax Commission's records, the Tax Discovery Bureau (Bureau) found that the taxpayer made an estimated tax payment for the taxable year 1998 but did not file an Idaho individual income tax return. The Bureau did further research on the taxpayer and found that he had wages reported to the Idaho Department of Labor. The Bureau sent the taxpayer a letter asking about his filing requirement with the state of Idaho but the taxpayer did not respond.

The Bureau determined the taxpayer did have an Idaho filing requirement and prepared a return for the taxpayer based upon the information it had gathered. The Bureau sent the taxpayer a Notice of Deficiency Determination, which the taxpayer protested. The taxpayer did not deny he had a filing requirement with the state of Idaho. However, he claimed that his withholdings and estimated payment were greater than what the Bureau stated he owed in tax.

The information gathered by the Bureau showed the taxpayer was employed by the Department of the Interior. The Bureau contacted the [Redacted] and asked them to provide a copy of the taxpayer's W-2 wage statement for 1998. [Redacted] sent the Bureau a copy of the taxpayer's W-2 and the Bureau modified its determination to include the taxpayer's withholdings. The Bureau sent a modified determination to the taxpayer but the taxpayer did not respond. The Bureau then forwarded the matter for administrative review.

The Tax Commission sent the taxpayer a letter giving him two options for having the Notice of Deficiency Determination redetermined. The taxpayer did not respond. Therefore, the Tax Commission decided the matter based upon the information available.

The taxpayer did not deny his requirement to file an Idaho income tax return. He also did not disagree with the Bureau's determination of his taxable income. The taxpayer's only argument was that his withholdings and estimated payment were in excess of the Bureau's tax determination.

[Redacted] The taxpayer's protest stated his payments were greater than the Bureau's tax. However, the taxpayer's calculation included his estimated payment twice. The taxpayer started with the Bureau's tax figure, which already included the estimated payment, and subtracted both his withholdings and estimated payment.

The Bureau subsequently modified its determination to include the taxpayer's withholdings. The Bureau sent the modification to the taxpayer but the taxpayer did not respond. The Tax Commission found that modification made by the Bureau was appropriate. The Tax Commission also found that the taxpayer has not met his burden of showing that the Bureau's computations were in error. Albertson's, Inc. v. State, Dept. of Revenue, 106 Idaho 810, 814,

P.2d 846, 850 (1984). Therefore, the Tax Commission upholds the return the Bureau prepared with the modification allowing the taxpayer's verified withholdings.

WHEREFORE, the Notice of Deficiency Determination dated September 11, 2001, 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:

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
1998	\$341	\$85	\$88	\$514

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 _____, 2002.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE

I hereby certify that I have on this _____ day of _____, 2002, 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]

ADMINISTRATIVE ASSISTANT 1