

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 16111
[Redacted])	
Petitioners.)	DECISION
)	
)	

On September 7, 2001, the staff of the Tax Discovery Bureau of the Idaho State Tax Commission issued a Notice of Deficiency Determination to [Redacted] (petitioners), proposing income tax, penalty, and interest for the taxable years 1994, 1995, 1997, and 1998 in the total amount of \$13,797. On February 5, 2002, the Tax Discovery Bureau (TDB) sent a letter to the petitioners informing the petitioners that the Notice of Deficiency Determination issued on September 7, 2001, was modified to exclude taxable year 1994 since the petitioners had submitted sufficient evidence to determine that the petitioners did not have an Idaho filing requirement for that year. As a result of removing taxable year 1994 from the Notice of Deficiency Determination, the total amount due for taxable years 1995, 1997, and 1998 was \$7,817. On November 7, 2001, the petitioners filed a timely appeal and petition for redetermination. The Tax Commission, having reviewed the file, hereby issues its decision.

Based upon information obtained from various available sources, the TDB determined the petitioners had sufficient gross income subject to tax by Idaho to require the petitioners to file an Idaho income tax return for taxable years 1995, 1997, and 1998. The TDB researched the Tax Commission's records and found that the petitioners did not file an Idaho individual income tax return for taxable years 1995, 1997, and 1998.

The TDB sent the petitioners several letters asking the petitioners to file a 1995, 1997, and 1998 Idaho income tax return or provide an explanation why the petitioners did not have an Idaho filing requirement in these years.

In the petitioners' petition for redetermination dated November 11, 2001, the petitioners state:

I lived out of state 2 of the years and was subject to a loss of records due to a house fire for others. I will provide you with records as I obtain them, hopefully within the next 3 to 4 weeks. I can FAX you news articles [sic] of the fire if you wish.

In an earlier letter received by the Tax Commission on December 5, 2001, the petitioners stated:

Requesting an extension. Due to health conditions. Also being at the hospital daily due to a son's heart attack [sic] and heart surgery. I'm also asking if I could be appointed an avocate [sic] as I'm unsure of how to proceed. Some of my papers were lost in the flooding of 1996 and some in a fire in 1999.

On March 2002, the Tax Commission sent a letter to the petitioners informing the petitioners of their hearing rights. The petitioners did not respond to the March 13, 2002, letter. On June 19, 2002, the Tax Commission sent another letter to the petitioners informing the petitioners that unless the petitioners responded, a decision would be issued on the information currently in the file. The petitioners have not responded to the June 19, 2002, letter.

As of the date of this decision, the petitioners have not provided any information that would resolve this case in the petitioners' favor. Having presented no information in support of their argument, the petitioners have failed to meet their burden of proving error on the part of the deficiency determination. Albertson's, Inc. v. State Dept. of Revenue, 106 Idaho 810, 814, 683 P.2d 846, 850 (1984). Since the petitioners have not met their burden of proof of showing that the Notice of Deficiency Determination prepared by the TDB is incorrect, the Tax Commission upholds the TDB's determination for the taxable years 1995, 1997, and 1998.

The TDB added interest and penalty to the petitioners' returns in accordance with Idaho Code sections 63-3045 and 63-3046. The Tax Commission reviewed those additions and found them proper and in accordance with the Idaho Code.

WHEREFORE, the Notice of Deficiency Determination dated September 7, 2001, is hereby APPROVED, AFFIRMED, and MADE FINAL.

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

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
1995	\$2,759	\$ 690	\$1,454	\$4,903
1997	644	161	231	1,036
1998	1,482	371	416	<u>2,269</u>
			TOTAL DUE	<u>\$8,208</u>

Interest is calculated through December 31, 2002, and will continue to accrue at the rate set forth in Idaho Code section 63-3045.

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

An explanation of the petitioners' rights 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 on this ____ day of _____, 2002, 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]
