

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 16566
[REDACTED])	
)	DECISION
Petitioner.)	
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On April 8, 2002, 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 years 1995 through 1998 in the total amount of \$18,510.

On May 6, 2002, 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 nothing further for the Tax Commission to consider. The Tax Commission, having reviewed the file, hereby issues its decision.

The Tax Discovery Bureau (Bureau) received information that the taxpayer might have a filing requirement with the state of Idaho. The Bureau researched the Tax Commission's records and found that the taxpayer filed Idaho income returns for the years 1994, 1999, and 2000. The Bureau sent the taxpayer a letter asking her about her filing requirement for the years 1995 through 1998. The taxpayer did not respond. The Bureau obtained information from [Redacted] the Idaho Department of Labor regarding the taxpayer and determined the taxpayer was required to file Idaho income tax returns for 1995 through 1998.

The Bureau prepared returns for the taxpayer and sent her a Notice of Deficiency Determination. The taxpayer protested the Bureau's determination stating that she was a part-year resident in 1995 and that she had not been given credit for taxes paid to another state. She

stated her books and records were not examined, so a lot of relevant information was not taken into consideration.

The Bureau allowed the taxpayer additional time to provide additional information or income tax returns. The taxpayer told the Bureau she would have returns completed by August 28, 2002. However, the Bureau never received the returns. Therefore, the Bureau referred the matter for administrative review.

The Tax Commission sent the taxpayer a letter giving her two options for having the Notice of Deficiency Determination redetermined. The taxpayer did not respond. The Tax Commission sent the taxpayer a follow-up letter, but still the taxpayer failed to respond. Therefore, the Tax Commission decided the matter based upon the information available.

The taxpayer received income in each of the years 1995 through 1998 in excess of the filing requirements of Idaho Code section 63-3030. Therefore, the Tax Commission finds the Bureau made the correct determination that the taxpayer was required to file Idaho income tax returns. In preparing returns for the taxpayer, the Bureau used information from W-2 wage statements and federal form 1099 statements. The Tax Commission found the use of this information appropriate as it shows sources of income for the taxpayer.

The taxpayer stated she was a part-year resident in 1995, but she provided nothing to show she was a part-year resident or that her income for 1995 should not be fully reported to Idaho. The taxpayer stated she did not receive credit for taxes paid to another state. However, the taxpayer provided nothing to show she paid tax to another state or that she was required to file a return with another state. The taxpayer stated she had relevant information that needed to be considered in completing her returns. But again, the taxpayer failed to provide any such

information. In short, the taxpayer has not met her burden of proof. Albertson's, Inc. v. State, Dept. of Revenue, State Tax Com'n, 106 Idaho 810, 683 P.2d 846 (1984).

Since the taxpayer has provided nothing to show the returns the Bureau prepared were incorrect and the information the Bureau used to prepare the returns was all sources of income for the taxpayer, the Tax Commission finds the returns are a reasonable representation of the taxpayer's taxable income. Therefore, the Tax Commission upholds the Notice of Deficiency Determination.

WHEREFORE, the Notice of Deficiency Determination dated April 8, 2002, is hereby 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>
1995	\$2,287	\$ 622	\$1,248	\$ 4,157
1996	2,536	634	1,173	4,343
1997	5,948	1,487	2,234	9,669
1998	430	108	128	<u>666</u>
			TOTAL DUE	<u>\$18,835</u>

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

An explanation of the petitioner's rights to appeal this decision is enclosed with this decision.

DATED this ____ day of _____, 2003.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE

I hereby certify that on this ____ day of _____, 2003, 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]
