

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 16780
[REDACTED])	
Petitioner.)	DECISION
)	
_____)	

On July 16, 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 1996 through 1999 in the total amount of \$3,032.

On July 11, 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 no additional information. The Tax Commission, having reviewed the file, hereby issues its decision.

The Tax Discovery Bureau (Bureau) received information from the Idaho Department of Labor showing the taxpayer received wages in 1996. The Bureau researched the Tax Commission's records and found that the taxpayer had not filed an Idaho income tax return for 1996. The Bureau further researched the Tax Commission's records and found the taxpayer had also not filed Idaho income tax returns for 1997, 1998, and 1999.

The Bureau sent the taxpayer a letter asking about his requirement to file Idaho income tax returns. The taxpayer did not respond. Therefore, the Bureau obtained additional information [Redacted] and determined the taxpayer was required to file Idaho income tax returns. The Bureau prepared returns for the taxpayer then sent him a Notice of Deficiency Determination.

The taxpayer protested the Bureau's determination saying the social security number on the Notice of Deficiency Determination was not his social security number. He also stated that he was not employed in Idaho from February 1997 to May 2002. The Bureau acknowledged the clerical error regarding the taxpayer's social security number and cancelled the Notice of Deficiency Determination. The Bureau corrected the error, sent the taxpayer another Notice of Deficiency Determination and acknowledged the taxpayer's protest of the first Notice of Deficiency Determination as a protest of the second Notice of Deficiency Determination.

The Bureau continued corresponding with the taxpayer as the taxpayer indicated he would provide additional documentation or information to support his position. However, in a letter dated August 11, 2002, the taxpayer stated he was unable to locate his records; nevertheless, he wanted to settle the matter. The taxpayer asked for a payment agreement, which the Bureau sent to the taxpayer but he failed to return the agreement. Consequently, the Bureau referred 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. The Tax Commission sent a follow-up letter to the taxpayer, but still he failed to respond. Therefore, the Tax Commission decided the matter based upon the information available.

The Bureau determined the taxpayer's requirement to file Idaho income tax returns and his taxable income from the information available to the Tax Commission. The taxpayer provided nothing to show the returns the Bureau prepared were incorrect. In fact, the taxpayer all but agreed to the Bureau's determination when he requested a payment agreement to settle the matter. Regardless, the taxpayer did not meet his burden of proof. Albertson's, Inc. v. State, Dept. of Revenue, State Tax Com'n, 106 Idaho 810, 683 P.2d 846 (1984). Therefore, the Tax

Commission finds the taxpayer was required to file Idaho income tax returns. Furthermore, the Tax Commission finds the returns the Bureau prepared reasonably represent the taxpayer's taxable income.

The Bureau added interest and penalty to the taxpayer's Idaho tax. The Tax Commission reviewed those additions and found they were appropriate and in accordance with Idaho Code sections 63-3045 and 63-3046.

WHEREFORE, the Notice of Deficiency Determination dated July 16, 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>
1996	\$ 766	\$ 192	\$ 369	\$1,327
1997	394	99	155	648
1998	383	96	122	601
1999	375	94	92	<u>561</u>
				<u>\$3,137</u>

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

An explanation of taxpayers' right 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 I have on this _____ day of _____, 2003, 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]_____