

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 17152
[Redacted])	
Petitioners.)	DECISION
)	
)	

On December 5, 2002, the Tax Discovery Bureau (Bureau) of the Idaho State Tax Commission issued a Notice of Deficiency Determination to [Redacted] (taxpayers), proposing income tax, penalty, and interest for taxable year 1999 in the amount of \$1,621.

The taxpayers filed a timely protest. They did not request a hearing and did not submit additional information. Therefore, the Tax Commission, having reviewed the file, hereby issues its decision based upon the information contained in the file.

The taxpayers failed to file an Idaho individual income tax return for 1999 even though they satisfied the filing requirements stated in Idaho Code § 63-3030. [Redacted] 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.

Because the taxpayers did not file their 1999 state income tax return, the Bureau prepared a provisional return and issued a deficiency notice. The income was determined by totaling: [Redacted] \$803 of miscellaneous income and \$18,670 of wages shown in income information retained by the Tax Commission; [Redacted] \$945 of unemployment compensation and \$12,330 of wages both of which were shown in Idaho Department of Labor records; and \$49 from a taxable distribution as shown in the taxpayers' income records [Redacted]. After computing the total tax amount, the \$84 dollars of withholding that was shown in the W-2 issued to [Redacted] was allowed to offset a portion of the resulting tax.

The taxpayers responded with a letter of protest signed by [Redacted]. The letter objected to the amounts stated in the notice. [Redacted] said she would “. . . send our W-2s as soon as we receive them.” She did not indicate the length of time needed to secure the documents. After two additional letters to the taxpayers asking for additional information and a delay of time for the taxpayers to locate their W-2s, the taxpayers' file was transferred to the Legal/Tax Policy Division of the Tax Commission for administrative review. The Tax Commission received no response to a letter to the taxpayers wherein their appeal rights were outlined.

The taxpayers met the requirements for filing an Idaho income tax return for 1999; yet they have not filed an Idaho return. Nothing has been submitted that would cast doubt on the Bureau's determination, which was calculated after considering the taxpayers' income information [Redacted] and the records retained by the Tax Commission and the Idaho Department of Labor. The penalty and interest additions were calculated in conformity with Idaho Code §§ 63-3045 and 63-3046.

A Notice of Deficiency Determination issued by the Idaho State Tax Commission is presumed to be accurate. Parsons v. Idaho State Tax Com'n, 110 Idaho 572 (Ct. App. 1986). Having presented no information in support of their argument, the taxpayers 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 (1984).

WHEREFORE, the Notice of Deficiency Determination dated December 5, 2002, is hereby APPROVED, AFFIRMED, and MADE FINAL.

IT IS ORDERED and THIS DOES ORDER that the taxpayers pay the following tax, penalty, and interest for 1999:

<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
\$1,107	\$277	\$254	\$1,638

Interest is computed through June 15, 2003.

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]_____