

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 17284
[REDACTED])	
Petitioner.)	DECISION
)	
)	

On February 13, 2003, the Tax Discovery Bureau (Bureau) of the Idaho State Tax Commission issued a Notice of Deficiency Determination (NODD) to [Redacted] (taxpayer), proposing income tax, penalty, and interest for taxable years 1995 through 2000 in the total amount of \$9,425.

The taxpayer filed a timely appeal and submitted additional information. He did not request a conference. The Tax Commission, having reviewed the file, hereby issues its decision based upon the information contained in the file.

Tax Commission records showed the taxpayer met the state income tax filing requirements and had not filed Idaho returns for taxable years 1995 through 2000. The Bureau attempted to contact the taxpayer for an explanation, but he did not respond to the inquiries.

[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 taxpayer had not filed Idaho income tax returns for the years 1995 through 2000 and did not respond to correspondence, the Bureau prepared returns on his behalf and sent him a NODD. The taxpayer responded by letter stating he had paid his taxes because his employers had withheld taxes from his pay. He said he had requested copies of his W-2s [Redacted] and would send them to the Tax Commission when they arrived. On May 21, 2003, the Bureau received the copies of W-2s for 1996, 1998, 1999, and 2000 [Redacted] The Bureau reviewed the [Redacted] income information the taxpayer furnished, which confirmed each year's total income was the same amount as shown in the report the Tax Commission received [Redacted]. The W-2s showed withholding for 1996, 1998, and 1999. No state [Redacted] withholding was stated in the 2000 W-2. The 1997 W-2 was not submitted.

The Bureau recalculated the taxpayer's Idaho income tax responsibility allowing credit for the newly identified withholding and sent a copy of the new determination to the taxpayer. In a letter, the Bureau asked the taxpayer if he accepted the new figures and would be withdrawing his appeal or if he wanted the appeal reviewed by the legal staff. The taxpayer did not respond, and his file was transferred to the Legal/Tax Policy Division for administrative review.

The Tax Appeals Specialist sent the taxpayer a letter explaining his options regarding his appeal. However, the letter did not prompt a response from the taxpayer.

Tax Commission records show that, during the years 1995 through 2000, the taxpayer was an Idaho resident with Idaho sourced income in excess of Idaho's filing requirement, and he did not file Idaho income tax returns. These facts the taxpayer does not dispute.

The Bureau used the taxpayer's income as shown in [Redacted] Idaho Department of Labor records to calculate the taxpayer's Idaho income tax responsibility with the standard deduction and one personal exemption. Withholding that could be identified and the grocery credit reduced the tax

amount. The Bureau added interest and penalty pursuant to Idaho Code §§ 63-3045 and 63-3046. The Tax Commission reviewed those additions and found them proper and in accordance with Idaho Code.

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 his argument, the taxpayer has failed to meet his 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 February 13, 2003, is hereby MODIFIED 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>
1995	\$ 636	\$159	\$377	\$1,172
1996	325	81	165	571
1997	1,226	307	517	2,050
1998	192	48	66	306
1999	606	152	165	923
2000	1,407	352	270	<u>2,029</u>
			TOTAL	<u>\$7,051</u>

Interest is computed through April 1, 2004.

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

An explanation of taxpayer's right to appeal this decision is enclosed with this decision.

DATED this ____ day of _____, 2004.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE BY MAIL

I hereby certify that I have on this _____ day of _____, 2004, 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]

Receipt No.
