

**BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO**

In the Matter of the Protest of	)	
	)	DOCKET NO. 17800
[REDACTED],	)	
	)	DECISION
Petitioner.	)	
_____	)	

On November 25, 2003, the Tax Discovery Bureau (Bureau) of the Idaho State Tax Commission issued a Notice of Deficiency Determination to [Redacted] (taxpayer), proposing additional individual income tax, penalty, and interest in the amount of \$771 for the tax year 2001.

The taxpayer filed a timely appeal and petition for redetermination. He did not request a conference. The Tax Commission has reviewed the file, is advised of its contents, and hereby issues its decision based thereon.

Idaho Code § 63-3002 provides:

Declaration of intent. It is the intent of the legislature by the adoption of this act, insofar as possible to make the provisions of the Idaho act identical to the provisions of the Federal Internal Revenue Code relating to the measurement of taxable income, to the end that the taxable income reported each taxable year by a taxpayer to the internal revenue service shall be the identical sum reported to this state, subject only to modifications contained in the Idaho law; . . .

The intent of the Idaho Legislature is to follow the federal determination of income subject only to modifications contained in Idaho law. [Redacted]

The taxpayer had failed to notify the Tax Commission of the federal determination within the 60-day period as required by Idaho Code § 63-3069. Because the federal audit resulted in an increase to the amount of income that was reported to Idaho, the Bureau issued a Notice of Deficiency Determination to the taxpayer advising him of the additional Idaho income tax, penalty,

and interest.

In response to the deficiency notice, the taxpayer sent a letter protesting the determination. He said he did not think the exemptions should be disallowed. He said he would be contacting the IRS. Nothing further was heard from the taxpayer after the Bureau sent a letter acknowledging his protest. His file was transferred to the Legal/Tax Policy Division for administrative review. A letter was sent to advise the taxpayer of his right to request a hearing or send additional information. He did not respond.

To take advantage of the more attractive filing status of Head of Household instead of Single and to claim the Earned Income Credit, an unmarried person must have provided a home for a dependent for more than half of the year. In the single letter the Tax Commission received from the taxpayer, he did not mention the Head of Household filing status and gave no indication of whether he supported his children or if they lived with him during 2001.

[Redacted]

A Notice of Deficiency Determination issued by the Idaho State Tax Commission is presumed to be accurate. Parsons v. Idaho State Tax Comm'n, 110 Idaho 572 (Ct. App. 1986). Having presented no further 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 November 25, 2003, is APPROVED, AFFIRMED, and MADE FINAL.

IT IS ORDERED and THIS DOES ORDER that the taxpayer pay the following additional tax, penalty, and interest for 2001:

<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
\$653	\$33	\$142	\$828

Interest has been computed through December 15, 2004.

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

An explanation of the 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]  
[REDACTED]

Receipt No.

---