

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 17939
[REDACTED])	
Petitioner.)	DECISION
)	
)	

On January 7, 2004, the Tax Discovery Bureau (Bureau) of the Idaho State Tax Commission issued a Notice of Deficiency Determination to [Redacted] (taxpayer), proposing income tax, penalty, and interest for taxable years 1998 and 2001 in the total amount of \$1,060.

The taxpayer filed a timely appeal. He did not submit additional information and did not request a conference. Therefore, 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 Idaho income tax filing requirements and had not filed Idaho returns for taxable years 1998 and 2001. 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.

The Bureau prepared returns on the taxpayer's behalf and sent him a Notice of Deficiency Determination. The taxpayer responded by letter dated March 5, 2004 stating:

I disagree with the amount owing for 1998 & 2001 tax returns. May I have more time to gather my numbers and compare? I realize that I need information from my ex-wife's tax return to make my return complete. As to the children claimed in those years since we have joint custody and share the cost and deductions. So I need to verify which child claimed, etc.

The Bureau wrote the taxpayer a letter to acknowledge his protest and grant him time to prepare his returns. After several months without hearing from the taxpayer, the Bureau sent a letter to once again ask him to file his missing returns.

On October 8, 2004, the taxpayer's 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 1998 and 2001 the taxpayer was an Idaho resident with Idaho sourced income in excess of Idaho's filing requirement. These facts the taxpayer does not dispute. However, he has not filed an Idaho individual income tax return for either year and has given no indication when the Tax Commission might expect to receive those returns.

The Bureau used the income [Redacted] to calculate the taxpayer's Idaho tax while allowing the standard deduction and credit for one personal exemption. Withholding that was identified in Tax Commission records and a grocery credit reduced each year's 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 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 January 7, 2004, 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>
1998	\$309	\$ 77	\$120	\$ 506
2001	416	104	67	<u>587</u>
			TOTAL	<u>\$1,093</u>

Interest is computed through December 31, 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]
[REDACTED]

Receipt No.
