

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

In the Matter of the Protest of	)	
	)	DOCKET NO. 17944
[Redacted]	)	
Petitioner.	)	DECISION
	)	
	)	

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On January 15, 2004, the Audit Development Unit (ADU) of the Idaho State Tax Commission (Commission) issued a Notice of Deficiency Determination (NOD) to [Redacted] (taxpayer), proposing additional income tax, penalty, and interest for tax year 2002 in the total amount of \$678.

On March 24, 2004, a timely protest and petition for redetermination was filed by the taxpayer. The taxpayer has not requested a hearing. The Commission has reviewed the file, is advised of its contents, and hereby issues its decision affirming the NOD.

[Redacted] ADU, therefore, issued a NOD based on that information and adjusted the taxpayer's Idaho return. We find that the auditor correctly recomputed the taxpayer's tax liability [Redacted].

The taxpayer called the auditor on January 20, 2004, concerning his NOD. The auditor explained [Redacted] to the taxpayer. [Redacted] The taxpayer sent a copy of his original return information [Redacted] as his protest to the Commission's NOD on February 27, 2004. The auditor did not accept this as a perfected protest and gave the taxpayer an additional 28 days to perfect his protest. In the taxpayer's protest letter dated March 24, 2004, he stated that he did receive a refund [Redacted].

On July 1, 2004, the Tax Policy Specialist (policy specialist) sent the taxpayer a letter to inform him of his alternatives for redetermining a protested NOD. The letter was returned, so it

was re-sent to a forwarding address on July 8, 2004. This letter was also returned, so it was sent to the last known address on July 12, 2004 by regular mail. A follow-up letter was sent on August 17, 2004. The taxpayer did not respond to either letter, so the policy specialist called the taxpayer on October 4, 2004 and January 6, 2005. During both phone conversations, the taxpayer said he would go to [Redacted] to get a copy of his file to send to the Commission. The Commission has not received this information.

[Redacted]Idaho Code § 63-3002 states that it is the intent of the Idaho legislature to make the Idaho Income Tax Code identical to the Internal Revenue Code in the way taxable income is determined. Idaho Code § 63-3069 states that, upon a final determination of any deficiency or refund of federal taxes, written notice shall be immediately sent to the State Tax Commission by the taxpayer. IDAPA 35.01.01.890.03 Income Tax Administrative Rules states that immediate notification is within 60 days of the final determination.

[Redacted]Following the Idaho Code, the adjustments should be made to the taxpayer's Idaho income tax return. The taxpayer carries the burden to prove the adjustments were incorrect. [Redacted] [Redacted] the Commission must uphold the deficiency as asserted.

WHEREFORE, the Notice of Deficiency Determination dated January 15, 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>
2002	\$616	\$31	\$80	\$727

Interest is calculated through July 23, 2005.

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 \_\_\_\_\_, 2005.

IDAHO STATE TAX COMMISSION

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COMMISSIONER

**CERTIFICATE OF SERVICE**

I hereby certify that I have on this \_\_\_\_ day of \_\_\_\_\_, 2005, 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]

[Redacted]