

of the taxpayer for 2000. The 1999 federal records showed the taxpayer's income level and Idaho income tax responsibility was not worth pursuing a tax return for that year. Therefore, a 1999 Idaho return was not prepared, is not included in the NODD, and is not a part of this decision. The NODD was based on Tax Commission records and [Redacted].

The taxpayer sent a written protest, which the Bureau acknowledged by letter. He was asked to file the missing return and provide the missing W-2s. The taxpayer sent copies of some of his W-2s but only one W-2 showed withholding that had not been included in the NODD. In his letter, the taxpayer indicated his disagreement with the income figures. He said some of the income was for severance and travel pay and other amounts were earned outside the state of Idaho.

The Bureau wrote to the taxpayer and advised him the only information the Bureau received from the taxpayer that would change the amounts in the NODD was the additional withholding. The Bureau explained that Tax Commission records showed the taxpayer maintained a residence in Idaho and remained domiciled in Idaho during the 2000 tax year. Nothing was presented to suggest the record was in error. The Bureau explained that an Idaho resident must report the same total income to Idaho that was reported to the IRS no matter where the work was performed. A credit for taxes paid to another state would prevent double taxation.

The Bureau revised the taxpayer's NODD to allow him credit for the additional withholding and sent him the modified schedule of tax, penalty, and interest. The taxpayer was asked to either withdraw his protest, submit his return, or to indicate if he wanted his file transferred to the legal department for further consideration. The taxpayer did not answer the letter. His file was transferred to the Legal/Tax Policy Division of the Tax Commission for administrative review.

The taxpayer met the requirements for filing an Idaho individual income tax return for 2000

but did not file a return. The Bureau computed the taxpayer's Idaho income tax responsibility [Redacted]. He was allowed the standard deduction and one personal exemption. Withholding that could be identified in Tax Commission records and the withholding shown in the W-2 furnished by the taxpayer reduced the tax amount.

In his letter of protest, the taxpayer said he had reviewed the W-2 from the overseas company he worked for. He said the wages shown in the W-2 could be very wrong. He said most of the income was earned outside the state of Idaho. He said he filed with the IRS and paid the taxes on the income because that was the income shown in the W-2 and he was under high stress after his 22 year marriage came to an end that year.

The taxpayer said his employer reported the income so he, as an employee, had to pay the tax. He said now Idaho taxes have to be paid on income brought to the state if a person lives and maintains a home in Idaho. He enclosed a money order in the amount of \$65 saying he had "no problem solving this case." He asked for "a fair income tax review [sic] for this case in hand."

The Tax Commission has received nothing to suggest the income amounts used in the NODD prepared by the Bureau were in error. The penalty and interest additions were calculated in conformity with Idaho Code §§ 63-3045 and 63-3046.

63-3002. 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; to achieve this result by the application of the various provisions of the Federal Internal Revenue Code relating to the definition of income, exceptions therefrom, deductions (personal and otherwise), accounting methods, taxation of trusts, estates, partnerships and corporations, basis and other pertinent provisions to gross income as defined therein, resulting in an amount called "taxable income" in the Internal Revenue Code, and then to impose the provisions of this act

thereon to derive a sum called "Idaho taxable income"; to impose a tax on residents of this state measured by Idaho taxable income wherever derived and on the Idaho taxable income of nonresidents which is the result of activity within or derived from sources within this state. All of the foregoing is subject to modifications in Idaho law including, without limitation, modifications applicable to unitary groups of corporations, which include corporations incorporated outside the United States.

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 (Idaho 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 October 13, 2004, 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 for 2000:

<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
\$4,149	\$1,037	\$1,046	\$6,232
		PAYMENT	<u>65</u>
		TOTAL DUE	<u>\$6,167</u>

Interest is computed through April 2, 2005.

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 _____, 2005.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE BY MAIL

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]

Receipt No.
