

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 18862
[REDACTED],)	
)	DECISION
Petitioner.)	
_____)	

On September 10, 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 1999 through 2002 in the total amount of \$2,853.

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

Because Tax Commission records showed the taxpayer met the state income tax filing requirements and had not filed Idaho returns for any of the years in question, the Bureau attempted to contact the taxpayer for clarification. The taxpayer did not respond.

[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.

Determining the taxpayer had a requirement to file resident individual income tax returns, the

Bureau prepared returns on his behalf and sent him a Notice of Deficiency Determination. In response to the notice, the taxpayer sent a letter of protest that was signed by his wife and him. In that letter, the taxpayer and his wife asked the Bureau to: “. . .please send us all information – including 1099 statements and employer statements that were used in compiling the above referenced determinations – as well as all necessary Idaho State income tax forms for the years 1999, 2000, 2001, and 2002 so that we can expedite the filing of these returns.” They said they would file the missing returns by the end of the year.

The Bureau wrote back to acknowledge the taxpayer’s protest and advise the taxpayer his file would be held in abeyance as requested. Copies of documents detailing the taxpayer’s 1999 through 2002 income were included along with the forms and instructions for completing each year’s return.

An additional letter was sent to the taxpayer allowing him an extension of the agreed delay until April 15, 2005. The returns were not delivered to the Tax Commission, and the taxpayer’s file was transferred to the Legal/Tax Policy Division for administrative review. The taxpayer did not respond to a letter from the Tax Appeals Specialist advising him of his appeal rights.

The taxpayer does not deny he has a requirement to file Idaho individual income tax returns for the years 1999 through 2002. He has not filed the returns and has submitted nothing that would cast doubt on the Bureau’s determination that was based on records retained by the [REDACTED] Idaho Department of Labor, and Tax Commission.

Idaho Code § 63-3031 allows a married taxpayer to file a joint return with his/her spouse combining both incomes less the total withholding while using the married filing joint deduction. The taxpayer did not file either a state or a federal return for any of the subject years. He did not make the election. Therefore, the Bureau prepared the taxpayer’s returns on his behalf as married filing separate using the married filing separate deduction and splitting the income equally with his

wife. No withholding was found; however, tentative payments shown in Tax Commission records were allowed to offset a portion of the resulting tax.

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 September 10, 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>
1999	\$ 289	\$ 72	\$102	\$ 463
2000	274	69	75	418
2001	138	35	27	200
2002	1,348	337	179	<u>1,864</u>
			TOTA	<u>\$ 2,945</u>

Interest is computed through August 15, 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

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]
