

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 18466 & 18467
[Redacted],)	
)	DECISION
Petitioners.)	
_____)	

On October 4, 2004, the Tax Discovery Bureau (TDB) of the Idaho State Tax Commission (Commission) issued a Notice of Deficiency Determination (NOD) to [Redacted] (petitioner), for the years 1999, 2000, 2001, and 2002, proposing Idaho income tax, penalty, and interest in the total amount of \$4,875.

On October 4, 2004, the TDB of the Commission issued a NOD to [Redacted] (petitioner), for the years 1999, 2000, 2001, and 2002, proposing income tax, penalty, and interest in the total amount of \$4,875.

A timely protest and petition for redetermination signed by both petitioners was filed on December 3, 2004. The Tax Commission, having reviewed the entire file, hereby issues its decision modifying the NODs.

The petitioners have now provided the Commission with their Idaho and U.S. individual income tax returns for the years 1999, 2000, 2001, and 2002 using a filing status of married filing joint. The Commission will modify the NODs to recognize the filing status of married filing joint.

The returns the petitioners have filed appear to be more accurate than the provisional returns prepared by the Tax Enforcement Specialist. The returns will be processed in the next few weeks. These returns will be subject to the normal review process and the three-year statute of limitations, beginning the date the returns were submitted.

The petitioners' returns for 1999 and 2000 resulted in refunds. However, Idaho Code section 63-3072(c) states that a claim for refund or credit of the overpayment of Idaho income taxes withheld shall be made within three years from the due date of the return. Idaho Code section 63-3024A(g) states that a refund claim must be filed within three years of the due date of the return. The petitioners' 1999 and 2000 returns had due date of April 15, 2000, and April 15, 2001, respectively. Since the petitioners' 1999 and 2000 returns were postmarked March 10, 2005, well outside the three-year statute of limitations, no credit or refund will be issued for those years.

The petitioners have provided the Commission with their actual Idaho income tax returns for all years in question. Therefore, the Commission must uphold the deficiency as modified.

WHEREFORE, the Notices of Deficiency Determination dated October 4, 2004, as MODIFIED, are hereby APPROVED, AFFIRMED, and MADE FINAL.

IT IS ORDERED and THIS DOES ORDER that the petitioners pay the following tax, penalty, and interest:

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
1999	\$ 0	\$ 0	\$ 0	\$ 0
2000	0	0	0	0
2001	39	10	8	57
2002	226	57	38	<u>321</u>
			TOTAL DUE	<u>\$378</u>

Interest is computed through March 1, 2006.

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

An explanation of the petitioners' right to appeal this decision is enclosed with this decision.

DATED this _____ day of _____, 2006.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____, 2006, a copy of the within and foregoing DECISION was served by sending the same by United States mail, postage prepaid, in an envelope addressed to:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Receipt No.
