

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 21108
[REDACTED],)	
)	DECISION
Petitioners.)	
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On February 20, 2008, the Tax Discovery Bureau (TDB) of the Idaho State Tax Commission (Commission) issued a Notice of Deficiency Determination (NOD) to [Redacted] (petitioners) proposing income tax, penalty, and interest for the taxable years 2004 and 2006 in the total amount of \$6,265.

A timely protest and petition for redetermination was filed by the petitioners. An informal hearing has not been requested by the petitioners. The Commission has reviewed the file, is advised of its contents, and hereby issues its decision modifying the NOD.

The petitioners failed to file their 2004 and 2006 individual income tax returns. On November 15, 2007, the TDB sent a letter to the petitioners notifying them of the missing returns. On December 14, 2007, the petitioners responded requesting forms and instructions. The TDB mailed the requested items on December 14, 2007, with a due date of January 25, 2008, for the completed returns. When the returns were not received by the due date, [Redacted]. The Commission issued an NOD to the petitioners on February 20, 2008, [Redacted].

In the petitioners' protest letter received April 25, 2008, [Redacted] stated:

This is a letter of protest in regards to my Notice of deficiency determination. I am having trouble retrieving [sic] information for my 2004 & 2006 income tax returns [Redacted]

The TDB sent the petitioners a letter dated April 28, 2008, which requested they send their 2004 and 2006 Idaho individual income tax returns by June 6, 2008. If the petitioners' issues could

not be resolved in the TDB, their file would be transferred to the Commission's Legal/Tax Policy division for further review. The petitioners were also informed that they needed to get withholding information from their employers. The petitioners did not respond to this letter.

The TDB sent the petitioners a letter dated August 12, 2008, which included a revised NOD based on additional W-2 Wage and Tax Statements for 2004 and 2006 filed with the Commission by the petitioners' employers.

The policy specialist obtained one of the petitioners 2004 W-2 from that petitioner's employer. The petitioners' revised NOD will be adjusted based on the actual amount of Idaho income tax withheld on this W-2.

On November 7, 2008, the tax policy specialist (policy specialist) sent the petitioners a letter to inform them of the alternatives for redetermining a protested NOD. A follow-up letter was sent to the petitioners on December 30, 2008. The petitioners did not respond to either letter.

The petitioners have not provided the Commission with information to establish that the amounts asserted in the NOD, as adjusted, are incorrect. As a result, the Commission will uphold the NOD, as adjusted. A determination of the State Tax Commission is presumed to be correct. *Albertson's, Inc. v. State, Dept. of Revenue*, 106 Idaho 810, 814, 683 P.2d 846, 850 (1984). The burden is on the petitioners to show that the deficiency is erroneous. *Parsons v. Idaho State Tax Commission*, 110 Idaho 572, 574-575 n.2 (Ct. App. 1986).

[Redacted] The petitioners have not provided the Commission with a contrary result to the determination of their income [Redacted] Therefore, the Commission must uphold the deficiency as modified.

WHEREFORE, the Notice of Deficiency Determination dated February 20, 2008, as MODIFIED, is 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>
2004	\$668	\$167	\$179	\$1,014
2006	813	154	103	<u>1,070</u>
			TOTAL DUE	<u>\$2,084</u>

Interest is computed through June 24, 2009, and will continue to accrue at the rate set forth in Idaho Code section 63-3045(6) until paid.

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.

DATED this ___ day of _____, 2009.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE

I hereby certify that on this ____ day of _____, 2009, 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]

Receipt No.
