

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 21230
[Redacted],)	
)	DECISION
Petitioner.)	
_____)	

On April 15, 2008, the Tax Discovery Bureau (Bureau) of the Idaho State Tax Commission (Commission) issued a Notice of Deficiency Determination (NODD) to [Redacted] (taxpayer) proposing income tax, penalty, and interest for taxable years 2004 through 2006 in the total amount of \$7,321. On February 3, 2009, the Bureau issued an updated NODD in the amount of \$991.

On June 13, 2008, the taxpayer filed a timely protest. She did not request a hearing. The Commission, having reviewed the file, hereby issues its decision based upon the information contained in the file.

Commission records show the taxpayer is an Idaho resident who appears to meet the Idaho individual income tax filing requirements. The Bureau attempted to contact the taxpayer for an explanation of why her 2004 through 2006 Idaho returns had not been filed, but she did not respond.

[Redacted]

The Bureau prepared the missing Idaho returns on behalf of the taxpayer and sent her an NODD. [Redacted]

The taxpayer protested the Bureau's determination. In her protest letter, received June 16, 2008, the taxpayer stated that she did live and work in Idaho for all of 2004, and a portion of 2005, then moved to [Redacted]. She also stated that she was having returns prepared and asked for an additional 30 days in which to get this matter resolved.

On June 23, 2008, the Bureau sent a letter to the taxpayer acknowledging the protest and, based on the information provided by the taxpayer, cancelling the NODD for taxable year 2006. A date of July 23, 2008, was given to the taxpayer for completion of her 2004 and 2005 income tax returns.

On October 30, 2008, an additional extension of time, until December 1, 2008, was granted to the taxpayer, but to date, no returns have been received.

When the taxpayer did not deliver the returns to the Commission after the allowed time, her file was transferred to the Legal/Tax Policy Division for administrative review. The taxpayer did not respond to a letter advising her of her appeal rights. A follow-up letter was also sent by the policy specialist with no response.

The Idaho resident individual income tax returns the Bureau prepared on behalf of the taxpayer were based on income information gleaned from the taxpayer's [Redacted] records and the records retained by the Commission. However, based on the information provided by the taxpayer, which is supported by the Idaho Department of Labor report of wages, the NODD for taxable year 2005 is being modified to show the taxpayer's movement out of Idaho. The NODD is changed to reflect the taxpayer as a part-year resident and includes only income attributable to Idaho.

The taxpayer's withholding of \$1,770 and \$610 for taxable years 2004 and 2005, respectively, was allowed to offset a portion of the Idaho income tax due. The interest and penalty added by the Bureau pursuant to Idaho Code §§ 63-3045 and 63-3046 was reviewed and found to be proper and in accordance with Idaho Code.

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). The

burden is on the taxpayer to show the deficiency is erroneous. Albertson's, Inc. v. State, Dept. of Revenue, 106 Idaho 810 (1984).

The taxpayer failed to file her 2004 and 2005 Idaho individual income tax returns. Absent information to the contrary, the Commission accepts the Bureau's calculation of Idaho income tax, penalty, and interest for taxable year 2004 and modifies the calculation for taxable year 2005.

WHEREFORE, the Notice of Deficiency Determination dated April 15, 2008, is hereby MODIFIED, and as modified, is 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>
2004	\$983	\$246	\$276	\$1,505
2005	647	162	143	<u>952</u>
			TOTAL DUE	<u>\$2,457</u>

Interest is calculated through October 1, 2009.

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.

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.
