

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

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| In the Matter of the Protest of |) | |
| |) | DOCKET NO. 22157 |
| [Redacted] |) | |
| Petitioners. |) | DECISION |
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| |) | |
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On August 12, 2009, the Revenue Operations division of the Idaho State Tax Commission (Tax Commission) issued a Notice of Deficiency Determination to [Redacted] (petitioners) proposing additional tax in the amount of \$29 for taxable year 2008.

The petitioners filed a timely appeal. They did not request a hearing. The Tax Commission, having reviewed the file, hereby issues its decision based upon the information contained in the file.

The sole issue for the decision is whether the taxpayers are entitled to a dependency exemption deduction for their son [Redacted].

Taxpayers may claim dependency exemption deductions for their dependents as defined in Internal Revenue Code (IRC) § 152. IRC § 152(a) defines the term “dependent” as a qualifying child or qualifying relative. A qualifying child is defined as an individual who (1) bears a certain relationship to the taxpayer, such as the taxpayer’s child; (2) has the same principal place of abode as the taxpayer for more than one-half of the taxable year; (3) meets certain age requirements; and (4) has provided over one-half of the individual’s own support for the taxable year. IRC § 152(c) (1)(3). A qualifying relative is defined as an individual (1) who bears a certain relationship to the taxpayer, such as the taxpayer’s child or grandchild; (2) whose gross income for the taxable year is less than the exemption amount; (3) with respect to whom the taxpayer provides over one-half of the individual’s support for the taxable year; and (4) who

is not a qualifying child of the taxpayer or of any other taxpayer for the taxable year. IRC § 152(d)(1) and (2).

To claim a dependent exemption under IRC § 152(a), the petitioners must show they have either a qualifying child or qualifying relative. Regarding a qualifying child, the petitioners did not show that [Redacted] principal place of abode was with them for more than one-half the taxable year. As for meeting the requirements for a qualifying relative of the petitioners, the petitioners failed to show that they provided more than one-half of [Redacted] support for the taxable year or that [Redacted] gross income for the taxable year was less than the exemption amount.

Because the petitioners have failed to establish that [Redacted] was either a qualifying child or qualifying relative for the purpose of IRC § 152, the Tax Commission finds that the petitioners are not entitled to a dependency exemption deduction for 2008. And since the petitioners are not entitled to the dependency exemption, they cannot claim an additional grocery credit for [Redacted] per Idaho Code § 63-3024A.

WHEREFORE, the Notice of Deficiency Determination directed to [Redacted] dated August 12, 2009, is APPROVED, AFFIRMED, and MADE FINAL.

The additional tax has been paid, therefore, no DEMAND for payment is required or necessary.

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.
