

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 22692
[Redacted],)	
)	DECISION
Petitioners.)	
_____)	

On June 17, 2009, the Idaho State Tax Commission issued a Notice of Deficiency Determination to [Redacted] (taxpayers) for taxable year 2008 proposing additional Idaho income tax and interest in the total amount of \$304.11. The taxpayers filed a timely appeal and petition for redetermination. The Tax Commission, having reviewed the entire file and being fully advised thereof, hereby issues its decision.

The taxpayers provided information showing [Redacted] was the custodial parent of the questioned dependent and that the dependent lived with the taxpayers full time. This being the case, the claimed dependent meets the definition of a qualifying child as provided in Internal Revenue Code (IRC) section 152(c). And since the other party claiming the dependent exemption did not provide a statement from the custodial parent or argue that he was the custodial parent, the provisions of IRC section 152(e) do not apply, and the determination of a qualifying dependent reverts to IRC section 152(c) and 152(d).

Because the individual was a qualifying child for the taxpayers, he could not be a qualifying child or qualifying relative for any other taxpayer. Therefore, the taxpayers were correct in claiming the dependent exemption, and the Notice of Deficiency Determination dated June 17, 2009, should be cancelled.

THEREFORE, IT IS HEREBY ORDERED and THIS DOES ORDER, the Notice of Deficiency Determination dated June 17, 2009, directed [Redacted] be CANCELLED.

Since the taxpayers paid the additional tax and interest of the Notice of Deficiency Determination, it is further ORDERED that the following tax and interest be REFUNDED to the taxpayers.

<u>YEAR</u>	<u>TAX (REFUND)</u>	<u>INTEREST</u>	<u>TOTAL</u>
2008	(\$302)	(\$17)	(\$319)

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

DATED this _____ day of _____ 2010.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____ 2010, 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.

Copy mailed to:

[Redacted]
