

**BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO**

In the Matter of the Protest of	)	
	)	DOCKET NO. 22561
[Redacted],	)	
	)	
Petitioner.	)	DECISION
_____	)	

On November 23, 2009, the Income Tax Audit Division of the Idaho State Tax Commission (Commission) issued a Notice of Deficiency Determination (NODD) to [Redacted] (taxpayer) proposing additional income tax, penalty, and interest for taxable year 2006 in the total amount of \$2,589.

The taxpayer did not request a hearing but has submitted a copy of an amended [Redacted] income tax return filed with [Redacted]. The Commission has reviewed the file, is advised of its contents, and hereby issues its decision modifying the NODD.

The taxpayer was issued an NODD by the Commission pursuant to an IRS redetermination of his income. The Commission received the federal audit from the IRS showing they had reduced or eliminated various expenses claimed on Schedule A.

The taxpayer admittedly filed his original return incorrectly and submitted an amended return with [Redacted] for taxable year 2006 to correct the errors that had resulted in the audit. The [Redacted] accepted the amended return modifying the results of the original audit.

Idaho Code § 63-3002 states that it is the intent of the Idaho legislature to make the Idaho income tax code identical to the Internal Revenue Code in the way taxable income is determined. Idaho Code § 63-3069 states that, upon a final determination of any deficiency or refund of federal taxes, written notice shall be immediately sent to the State Tax Commission by the

taxpayer. IDAPA 35.01.01 Income Tax Administrative Rule 890.03 states that immediate notification is to be within 60 days of the final determination.

From the cited Idaho Code sections and the Administrative Rule, it is apparent the Idaho legislature intended any changes made to the taxpayer's federal return to be reflected on the taxpayer's Idaho return. Therefore, it is the Commission's position that the changes made to the taxpayer's federal return must be made to the taxpayer's state return.

A review of [Redacted] records shows the taxpayer's amended return was accepted and the federal NODD was changed. The Commission, therefore, modifies the NODD issued by the Income Tax Audit Division to coincide with the amended return figures reported by the taxpayer and accepted by the [Redacted].

WHEREFORE, the Notice of Deficiency Determination dated November 23, 2009, is hereby MODIFIED, and AS SO 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>
2006	\$913	\$46	\$221	\$1,180

Interest is calculated through July 22, 2011.

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 \_\_\_\_\_ 2011.

IDAHO STATE TAX COMMISSION

\_\_\_\_\_  
COMMISSIONER

**CERTIFICATE OF SERVICE**

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_ 2011, 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.

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