

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 23892
[Redacted],)	
)	
Petitioner.)	DECISION
_____)	

On August 13, 2010, 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 1997 through 2008 in the total amount of \$10,915.

The taxpayer filed a timely protest. She did not request a hearing but did submit Idaho income tax returns for taxable years 2001 through 2008. The returns were reviewed, will be forwarded to processing, and are subject to the normal review process. The NODD is hereby cancelled for those years, and taxable years 2001 through 2008 will not be addressed further in this decision. No information was submitted for taxable years 1997 through 2000. The Commission, having reviewed the file, hereby issues its decision regarding taxable years 1997 through 2000.

During the years in question, the taxpayer failed to file Idaho individual income tax returns even though Commission records show she satisfied the requirements stated in Idaho Code § 63-3030 for filing Idaho tax returns. The Bureau requested and received a transcript of the taxpayer's [Redacted] records from [Redacted]. The information was provided in accordance with Internal Revenue Code § 63-6103(d) and Idaho Code § 63-3077. The taxpayer has not filed [Redacted] income tax returns for any of the years in question.

Idaho Code § 63-3045(1)(a) states:

Notice of redetermination or deficiency -- Interest. (1)(a) If, in the case of any taxpayer, the state tax commission determines that there is a deficiency in respect of the tax imposed by this title, the state tax commission shall, immediately upon discovery thereof, send notice of such deficiency to the taxpayer by registered or certified mail or by other commercial delivery service providing proof of delivery, whichever is the most cost efficient. The notice shall be sent to the taxpayer's last address known to the state tax commission. The notice of deficiency shall be accompanied by an explanation of the specific reason for the determination and an explanation of the taxpayer's right to appeal. Within sixty-three (63) days after such notice is mailed, the taxpayer may, at his option, file a protest in writing with the state tax commission and obtain redetermination of the deficiency.

Because the taxpayer did not file state income tax returns, the Bureau prepared provisional returns and issued an NODD. The income amounts were taken from records retained by the Idaho Department of Labor and the Commission. Withholding was identified and was credited against the resulting tax due.

The taxpayer protested the NODD on October 14, 2010. In her protest letter, the taxpayer stated that the NODD was incorrect because it did not reflect her proper marital status and dependents. The Bureau acknowledged the protest on October 15, 2010, and gave the taxpayer an extension of time, until November 14, 2010, to complete the returns.

When returns were not received by the Bureau, the taxpayer's file was transferred to the Legal/Tax Policy Division of the Commission. The tax policy specialist sent the taxpayer a letter advising her that her file had been received in the Legal Division and advising her of her appeal rights. The taxpayer responded, did not request a hearing, but instead requested another sixty days in which to submit additional documents for the Commission's consideration. The additional time was allowed, until July 16, 2011. On July 15, 2011, the taxpayer requested yet another extension of time, until September 1, 2011, to submit documentation. This final extension was granted but to

date, the taxpayer has not submitted any additional information nor has she submitted tax returns for taxable years 1997 through 2000. The time has come for the Commission to decide the matter.

The taxpayer does not deny she met the Idaho filing requirements. Yet, she has not filed Idaho income tax returns for taxable years 1997 through 2000. In fact, the taxpayer has submitted nothing to the Commission that would cast doubt on the Bureau's determination based on records retained by [Redacted], [Redacted], and the Commission.

The taxpayer's protest letter states the NODD prepared by the Bureau is in error because it does not reflect her proper marital status and dependents. Under Idaho Code § 63-3031, a married taxpayer may elect to file a joint return with his/her spouse combining both incomes less the total withholding while using the married filing joint deduction. However, by not filing state or [Redacted] returns, she did not make the election. In addition, the taxpayer did not furnish any information regarding her spouse or in support of filing an income tax return as married filing joint or separate.

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). Having presented no information in support of her argument, the taxpayer has failed to meet her burden of proving error on the part of the deficiency determination. Albertson's, Inc. v. State, Dept. of Revenue, 106 Idaho 810 (1984).

THEREFORE, the Notice of Deficiency Determination dated August 13, 2010, and directed to [Redacted] is hereby AFFIRMED as modified by this decision.

IT IS ORDERED that the taxpayer pay the following amount of tax, penalty, and interest:

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
1997	\$341	\$85	\$296	\$ 722
1998	321	80	254	655
1999	377	94	270	741
2000	340	85	217	<u>642</u>
			TOTAL DUE	<u>\$2,760</u>

Interest is calculated through December 30, 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.
