

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

In the Matter of the Protest of	)	
	)	DOCKET NO. 23263
[Redacted],	)	
	)	
Petitioner.	)	DECISION
_____	)	

On June 22, 2010, the Income Tax Audit 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 year 2007 in the total amount of \$373.

On August 23, 2010, a timely protest and petition for redetermination was filed by the taxpayer. The taxpayer has not requested a hearing. The Commission, having reviewed the file, hereby issues its decision based on the information in the file.

[Redacted]We find that the auditor correctly recomputed the taxpayer’s tax liability [Redacted].

In the taxpayer’s protest letter, she stated that [Redacted] had approved and adjusted the tax due on her 2007 return. [Redacted] Idaho Code § 63-3002 states 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. Idaho Income Tax Administrative Rule 890.03 states that immediate notification is 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 be reflected on the

taxpayer's Idaho return. Therefore, it is the Commission's position that changes made to the taxpayer's federal return must be made to the taxpayer's state return.

Following the Idaho Code, the adjustments should be made to the taxpayer's Idaho income tax return. The taxpayer carries the burden to prove the adjustments were incorrect. The taxpayer would like the Commission to re-audit what [Redacted] already audited. Doing this could possibly put the Commission and the [Redacted] at odds thus jeopardizing an important federal-state relationship. The Commission's position is the taxpayer must be granted relief at the federal level before relief can be granted at the state level.

Since the taxpayer has not provided the Commission with a contrary result [Redacted], the Commission must uphold the deficiency as asserted.

WHEREFORE, the Notice of Deficiency Determination dated June 22, 2010, and directed to [Redacted] is hereby 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>
2007	\$314	\$16	\$64	\$394

Interest is computed through March 23, 2012.

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 \_\_\_\_\_ 2012.

IDAHO STATE TAX COMMISSION

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COMMISSIONER

**CERTIFICATE OF SERVICE**

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_ 2012, 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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