

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 24158
[Redacted],)	
)	
Petitioner.)	DECISION
_____)	

On May 4, 2011, the Income Tax Audit Bureau (Bureau) of the Idaho State Tax Commission (Commission) issued a Notice of Deficiency Determination (NODD) to [Redacted] (taxpayer) proposing additional individual income tax, penalty, and interest in the amount of \$678 for taxable year 2009.

The taxpayer filed a timely appeal and petition for redetermination. She did not request an informal conference. The Commission has reviewed the file, is advised of its contents, and hereby issues its decision based thereon.

Idaho Code § 63-3002 provides:

Declaration of intent. It is the intent of the legislature by the adoption of this act, insofar as possible to make the provisions of the Idaho act identical to the provisions of the Federal Internal Revenue Code relating to the measurement of taxable income, to the end that the taxable income reported each taxable year by a taxpayer to the internal revenue service shall be the identical sum reported to this state, subject only to modifications contained in the Idaho law; . . .

The intent of the Idaho Legislature is to follow the federal determination of income subject only to modifications contained in Idaho law. Pursuant to the authority of Internal Revenue Code § 6103(d), the Commission obtained the results of [Redacted].

The [Redacted] audit changed the taxpayer's filing status from Head of Household to Single and changed the number of personal exemptions allowed from three to one. The changes resulted in an increase to the amount of taxable income reported to Idaho. The taxpayer failed to notify Idaho of the [Redacted] within the 60-day period required by Idaho Code § 63-3069. The

Bureau issued an NODD to the taxpayer advising her of additional Idaho income tax, penalty, and interest due as a result of the increase to her taxable income.

In response to the deficiency notice, the taxpayer wrote a letter stating she had been given permission, by a parent of the children, to claim them on her income taxes because they were living in her house.

The Bureau acknowledged the protest and informed the taxpayer that based on the latest information available from [Redacted], it appears they have not made any adjustments to their original audit. The taxpayer was given time to provide additional information to resolve the issue but she did not provide any documentation that showed the [Redacted] NODD was changed. The taxpayer's file was transferred to the Legal/Tax Policy Division for administrative review. A letter was sent to advise the taxpayer of her right to request a hearing or send additional information; however, the taxpayer did not respond.

The taxpayer has provided no information since the initial protest to the determination was submitted. 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 Commission's position is that the taxpayer must be granted relief at the [Redacted] level before relief can be granted at the state level.

A Notice of Deficiency Determination issued by the Idaho State Tax Commission is presumed to be accurate. Parsons v. Idaho State Tax Comm'n, 110 Idaho 572 (Ct. App. 1986). Having presented no further 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).

The taxpayer has provided no evidence that [Redacted] changed the audit results that increased the taxpayer's taxable income.

THEREFORE, the NODD dated May 4, 2011, and directed to [Redacted], is AFFIRMED and MADE FINAL.

IT IS ORDERED and THIS DOES ORDER that the taxpayer pay the following additional tax, penalty, and interest for taxable year 2009:

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
2009	\$612	\$31	\$63	\$706

Interest has been calculated through September 7, 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

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.
