

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 24690
[Redacted],)	
)	
Petitioner.)	DECISION
_____)	

On September 29, 2011, the Idaho State Tax Commission’s (Commission) Tax Discovery Bureau (TDB) issued a Notice of Deficiency Determination (NODD) to [Redacted] (petitioner) proposing additional income tax, penalty, and interest for the taxable year 2008 in the total amount of \$240. The petitioner filed a timely protest and petition for redetermination (petition). The petitioner was informed of her appeal rights. The Commission, having reviewed the file, hereby issues its decision.

In 2011, TDB obtained information from another taxing agency showing that the petitioner’s [Redacted] taxable income had been adjusted. The TDB notified the petitioner by letter dated August 8, 2011, that as a result of the change in her [Redacted] taxable income, her Idaho taxable income increased resulting in additional tax, penalty, and interest owed to Idaho. The changes increased taxable interest income in the amount of \$378 and pension income in the amount of \$2,535. In that letter, the TDB stated that “If you would like more information about our calculations or your rights to appeal, please call.”

On August 11, 2011, the taxpayer contacted the TDB and explained that she did not owe the additional tax as she had already cleared this issue up with [Redacted] and [Redacted] had cancelled the adjustment. She stated she would send in documentation to support her claim.

On September 29, 2011, the TDB issued a formal NODD, and on October 7, 2011, the petitioner filed a timely petition stating

In a answer to a letter I received from you, dated September 29, 2011 concerning a tax that you say I owe. I do not owe this tax. This money has been attacked several times. It started out as my work wages. In May of 2002 I opened an account with numeric credit union. Each year after that, I always claim the interest on my [Redacted] income tax, which I know also showed up on my state tax. In July of 2008 I withdrew this money from the account and then I received a notice that I needed to pay tax on the full amount which at that time was \$2535. I took it to the [REDACTED] office in [Redacted], and after they reviewed it all. They said that, because I had been paying tax on the interest and the original money had been taxed that I did not owe tax on that full amount of money. After I got this letter, I made some phone calls and was told on the phone that I did not have to pay this tax. I did not owe it and I have gone to the tax office here in [Redacted]. Also to the [REDACTED] office, and also to numeric credit union, and because it has been so long. There is not sufficient records, for me to prove all of this.

It makes me sad that our system is hard for most people to understand. Just the average working person does not understand all of this. I was only trying to prepare myself to have some money at retirement. And so it seems like I did not do things right.

I hear all the time that you cannot fight the government. I don't like the word fight. I just wish that it could be talked about with somebody that knew how to do it. So I am writing this with a sad heart that the poor people seem to always do the paying.

On December 23, 2011, the TDB sent the petitioner a letter acknowledging the receipt of the petitioner's petition and informing the petitioner that the petition would be held in TDB while the petitioner gathers the documentation as previously discussed. Additionally, the TDB informed the petitioner that the other taxing agency's records did not reflect a reversal of the audit adjustments.

In February 2012, the TDB sent the petitioner a protest withdrawal form. The petitioner responded on February 27, 2012, that she would not withdraw her protest since she does not believe she owes the money; nonetheless, she stated that she gives up and sent the Commission a

\$240 payment. Since the petitioner did not withdraw her protest and TDB could not convince her to do so, the file was forwarded into the Appeals process.

On July 16, 2012, the petitioner was informed of her appeals rights. The petitioner responded to the hearing rights letter providing a list of dates available for a hearing. On September 6, 2012, a second letter was sent to the petitioner requesting a telephone number or e-mail address. Included within the September 6, 2012, letter, Appeals pointed out to the petitioner that the information before the Commission reflects that she had paid the amount due to the [Redacted] government back in 2010 and no subsequent adjustment was made by the [Redacted] government to refund any of the payment back to the petitioner.

The petitioner called Appeals and discussed her petition with Appeals. Although the petitioner still believes that she should not have to pay Idaho tax for the reasons set forth above, she simply wants to be done with it. As such, Appeals informed the petitioner that the final step in the process was for the Commission to issue a decision upholding the NODD based upon the [Redacted] changes and since she had paid the amount due as shown on the NODD, no additional monies would be due.

It is the petitioner's burden of proving error on the part of the deficiency determination. Albertson's, Inc. v. State Dept. of Revenue, 106 Idaho 810, 814, (1984); Parsons v. Idaho State Tax Comm'n, 110 Idaho 572, 574 (Ct. App. 1986). Since the petitioner has not met this burden of proof showing that the NODD prepared by the TDB for taxable year 2008 is incorrect, the Commission upholds the TDB's determination.

THEREFORE, the Notice of Deficiency Determination dated September 29, 2011, and directed to the petitioner is hereby AFFIRMED by this decision. However, since the petitioner has paid the \$240 amount due as shown on the NODD, no additional monies are due.

An explanation of the petitioner'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.