

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 25134
[Redacted],)	
)	
Petitioner.)	DECISION
_____)	

On July 19, 2012, the Revenue Operations Division of the Idaho State Tax Commission (Commission) issued a Notice of Deficiency Determination (NODD) to [Redacted] (taxpayer) reducing the amount of refund claimed for taxable year 2010 in the total amount of \$70.

The taxpayer filed a timely appeal. He did not request a hearing. The Commission, having reviewed the file, hereby issues its decision based upon the information contained in the file.

The sole issue for this decision is whether the taxpayer is entitled to a dependency exemption deduction for his son, [Redacted].

Taxpayers may claim dependency exemption deductions for their dependents as defined in Internal Revenue Code (IRC) § 152. IRC § 152(a), defines the term “dependent” as a qualifying child or qualifying relative. A qualifying child is defined as an individual who (1) bears a certain relationship to the taxpayer, such as the taxpayer’s child, (2) has the same principal place of abode as the taxpayer for more than one-half of the taxable year, (3) meets certain age requirements and (4) has provided over one-half of the individual’s own support for the taxable year. IRC § 152(c) (1)-(3) A qualifying relative is defined as an individual (1) who bears a certain relationship to the taxpayer, such as the taxpayer’s child or grandchild, (2) whose gross income for the taxable year is less than the exemption amount, (3) with respect to whom the taxpayer provides over one-half of the individual’s support for the taxable year, and (4) who

is not a qualifying child of the taxpayer or of any other taxpayer for the taxable year. IRC § 152(d)(1) and (2).

To claim a dependent exemption under IRC § 152(a), the taxpayers must show they have either a qualifying child or qualifying relative. Regarding a qualifying child, the taxpayer did not show that [Redacted] principal place of abode was with him for more than one-half the taxable year. In response to a request for information, the taxpayer provided a copy of [Redacted] birth certificate, a letter stating [Redacted] resided with him for 196 days, roughly until the middle of July, that he provided more than half of [Redacted] total support, and the taxpayer also provided a copy of the first page of a 1995 Order and Stipulation from a Nevada court that states he will be awarded primary and physical custody of [Redacted]. However, the Commission has received contradictory information from a third party that states [Redacted] ceased living with the taxpayer in June of taxable year 2010 and received no support from the taxpayer after moving out. The Commission considers the third party information to be more credible and reliable than that provided by the taxpayer. In addition, generally once a child reaches the age of majority they are no longer under the provisions of a divorce decree or other custody order. [Redacted] turned 18 on July 12, 2009.

As for meeting the requirements for a qualifying relative of the taxpayer, the taxpayer did not provide any evidence to show [Redacted] total support or the amount he paid toward [Redacted] support.

The taxpayer has failed to establish that [Redacted] was either a qualifying child or qualifying relative for the purpose of IRC § 152, therefore, the Commission finds that the taxpayer is not entitled to a dependency exemption deduction for [Redacted] for taxable year

2010. And, since the taxpayers are not entitled to the dependency exemption, he cannot claim an additional grocery credit for [Redacted] per Idaho Code § 63-3024A.

THEREFORE, the NODD directed to [Redacted] dated July 19, 2012, is APPROVED and MADE FINAL.

The taxpayer's refund was only reduced; no demand for payment is made or necessary.

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.
