

The Tax Commission sent Petitioners hearing rights letters that discussed the options available for redetermining the Bureau's determination. Petitioners did not respond to the Tax Commission's hearing rights letters, but [Redacted] did provide a protest withdrawal statement to the Bureau. Generally, a protest withdrawal statement would conclude the matter, but in this case, Petitioners divorced sometime after filing their 2009 Idaho income tax return, and [Redacted] has not provided a protest withdrawal statement. Nevertheless, [Redacted] did not respond to his copy of the Tax Commission's hearing rights letter and he has made no further contact with the Tax Commission. Therefore, the Tax Commission hereby issues its decision based upon the information available.

LAW AND ANALYSIS

Idaho Code section 63-3002 states it is the intent of the Idaho legislature to make the provisions of the Idaho income tax act identical to the provisions of the Internal Revenue Code relating to the measurement of taxable income, subject only to modifications contained in the Idaho law. It follows then that the intent of the Idaho legislature is to follow a federal determination of taxable income. Further affirmation of the legislature's intent is found in Idaho Code section 63-3069 which requires taxpayers to immediately send written notice to the Tax Commission upon a final determination of a deficiency in federal tax or be subject to penalty.

The Bureau received information from [Redacted] that a change had been made to Petitioners' 2009 [Redacted] income tax return. The Bureau reviewed the information and determined the change made to Petitioners' [Redacted] return was applicable to Petitioners' 2009 Idaho individual income tax return.

Petitioners stated they were waiting for a response from [Redacted]. Petitioners were asked to provide the Tax Commission with something to show [Redacted] was reconsidering the [Redacted] audit. Petitioners failed to provide anything.

CONCLUSION

In Idaho, a State Tax Commission deficiency determination is presumed to be correct, and the burden is on the taxpayer to show that the deficiency is erroneous. Parsons v. Idaho State Tax Commission, 110 Idaho 572, 574-575 n.2, 716 P.2d 1344, 1346-1347 n.2 (Ct. App. 1986). Petitioners did not meet their burden. On the contrary, [Redacted] withdrew her appeal, which suggests the [Redacted] audit is a final [Redacted] determination. Therefore, the Tax Commission hereby upholds the Bureau's determination.

The Bureau added the penalty of Idaho Code section 63-3069 to Petitioners' tax deficiency. The Tax Commission reviewed the addition of the penalty and found it appropriate.

The Bureau also added interest to Petitioners' tax. The Tax Commission reviewed that addition and found it appropriate and in accordance with Idaho Code section 63-3045.

THEREFORE, the Notice of Deficiency Determination dated March 28, 2012, and directed to [Redacted] is AFFIRMED.

IT IS ORDERED that Petitioners pay the following tax, penalty, and interest:

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
2009	\$234	\$12	\$28	\$274

DEMAND for immediate payment of the foregoing amount is hereby made and given.

An explanation of the Petitioners' 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.

[Redacted]
