

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 25022A
[Redacted],)	
)	
Petitioner.)	DECISION
_____)	

The Idaho State Tax Commission (Commission) issued a decision in Docket No. 25022 to [Redacted] (petitioner) proposing additional income tax, penalty, and interest for taxable years 2007 and 2008 in the total amount of \$2,838.

Since the petitioner had not filed an Idaho income tax return for 2007 and 2008, the Commission’s Tax Discovery Bureau (TDB) issued a Notice of Deficiency Determination dated March 9, 2012, based on the information available to the TDB at that time. In response to the Commission’s decision, the petitioner has filed his Idaho income tax returns for taxable years 2007 and 2008. Included with the Idaho returns was the following statement:

[Redacted] Since the petitioner has now filed his Idaho income tax return for taxable years 2007 and 2008, the Commission hereby amends its original decision as follows:

Taxable Year 2007

The filing of the 2007 Idaho income tax return confirms that the petitioner had a duty to file an Idaho income tax return for taxable year 2007. Furthermore, the Idaho income tax return filed in 2013 by the petitioner for taxable year 2007 agrees with the Commission’s calculation of the petitioners’ Idaho taxable income and Idaho tax liability as shown in Table One of the Commission’s original decision issued on April 1, 2013.

Notwithstanding any conversations the petitioner may have had with a Commission employee regarding the waiver of penalty, since the petitioner did not file his Idaho tax return for

taxable year 2007 until 2013, the section 63-3046(c), Idaho Code, penalty for failure to file an Idaho income tax return is appropriate given the facts of this case and is therefore sustained. Interest is calculated pursuant to section 63-3045, Idaho Code. Interest is calculated pursuant to section 63-3045, Idaho Code.

Taxable Year 2008

The filing of the 2008 Idaho income tax return confirms that the petitioner had a duty to file an Idaho income tax return for taxable year 2008. The Idaho income tax return filed in 2013 by the petitioner for taxable year 2008 does not agree with the Commission's calculation of the petitioners' Idaho taxable income and Idaho tax liability as shown in Table One of the Commission's original decision issued on April 1, 2013. The difference between the Commission's calculation of the petitioner's Idaho taxable income, and the petitioner's calculation of his Idaho taxable income, solely relates to the petitioner's \$10,500 dependency deduction for his [Redacted] children.

In the Commission's original decision, the Commission did not allow the petitioner to claim a dependency deduction for his three children. The petitioner with the filing of his Idaho income tax return for taxable year 2008, did not provide the Commission with any additional documentation or information that would alter the Commission's findings in the Commission's original decision. Accordingly, the Commission finds, for the reason set forth in its original decision, that the petitioner is not entitled to claim the dependency deduction for his three children.

Notwithstanding any conversations the petitioner may have had with a Commission employee regarding the waiver of penalty, since the petitioner did not file his Idaho income tax return for taxable year 2008 until 2013, the section 63-3046(c), Idaho Code, penalty for failure to

file an Idaho income tax return is appropriate given the facts of this case, and is therefore sustained. Interest is calculated pursuant to section 63-3045, Idaho Code.

THEREFORE, the Commission's Decision dated April 1, 2013, and directed to the petitioner is hereby AMENDED by this decision.

IT IS ORDERED that the petitioner pay the following amount of tax, penalty, and interest:

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
2008	\$1,529	\$382	\$280	\$2,191
2007	439	110	108	<u>657</u>
			TOTAL DUE	<u>\$2,848</u>

Interest is calculated through July 31, 2013, and will continue to accrue at the rate set forth in section 63-3045, Idaho Code.

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

An explanation of the petitioner's right to appeal this decision is enclosed.

DATED this _____ day of _____ 2013.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____ 2013, 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.
