

**BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO**

In the Matter of the Protest of	)	
	)	DOCKET NO. 25296
[Redacted],	)	
	)	
Petitioner.	)	DECISION
_____	)	

On February 7, 2012, the Income Tax Audit Bureau (Bureau) of the Idaho State Tax Commission (Commission) issued a Notice of Deficiency Determination (NODD) to [Redacted] (taxpayer) for taxable year 2007, asserting income tax, penalty, and interest in the total amount of \$1,458. On March 23, 2012, the taxpayer submitted a protest letter in which she stated the NODD was incorrect because she was not employed in, or a resident of, Idaho until September, 2007.

On March 26, 2012, the Bureau sent the taxpayer a letter acknowledging her appeal, and also asking her to complete a Residency/Domicile questionnaire to help determine her residency status for taxable years 2006 and 2007. The taxpayer did not return the questionnaire. Two subsequent letters were sent by the Bureau requesting the completed questionnaire, and any other evidence the taxpayer may have to support her claim that she changed her domicile from Idaho to [Redacted] in taxable year 2006, and then changed again from [Redacted] to Idaho in taxable year 2007. The taxpayer failed to respond. The Bureau, after conducting additional research of Commission records and obtaining information from the [Redacted] determined the taxpayer was a resident of Idaho in both taxable years 2006 and 2007, and was required to submit an Idaho individual income tax return. On July 13, 2012, the Bureau issued a modified NODD asserting income tax, penalty, and interest in the total amount of \$774 for taxable year 2006, and \$1,475 for taxable year 2007. The taxpayer's file was forwarded to the Legal/Tax Policy division for administrative review.

The tax policy specialist sent the taxpayer a letter giving her the option of two methods for having the NODD redetermined. The taxpayer chose to have an informal hearing, which was held telephonically on January 8, 2013. The taxpayer provided additional information during the informal conference, and subsequently completed and returned the aforementioned Residency/Domicile questionnaire. The Commission, having considered all the information provided, hereby issues its decision.

The appeal submitted by the taxpayer was in response to the original NODD, wherein she contends that the liability for taxable year 2007 is incorrect, since she lived and worked in [Redacted] from January thru September of that year. In support of [Redacted] residency, the taxpayer provided a letter and W-2's from her [Redacted] employer. The taxpayer also stated she filed income tax returns in [Redacted] for taxable years 2006 and 2007, was a registered voter in [Redacted] and was issued an [Redacted] driver's license in taxable 2006. The taxpayer was asked to provide documentation in support of these statements, but failed to do so.

Idaho Code § 63-3022 states that a resident is taxed on all income regardless of source. Since the taxpayer has failed to establish that she was other than a resident, the Commission finds that she should be taxed as a resident of Idaho.

Idaho Code § 63-3029 provides for a credit for taxes paid to another state. That section also provides that "[t]o substantiate the credit allowed under this section, the state tax commission may require a copy of any receipt showing payment of income taxes to another state or a copy of any return or returns filed with such other state or territory, or both." The taxpayer stated she filed income tax returns in [Redacted]. Therefore, it is possible she paid taxes on the income she earned in [Redacted] and would be entitled to this credit. However, the taxpayer did not provide any documentation showing payment of taxes to [Redacted], no credit can be allowed.

A Notice of Deficiency Determination issued by the Idaho State Tax Commission is presumed to be accurate. Parsons v. Idaho State Tax Com'n, 110 Idaho 572 (Ct. App. 1986). Having presented no information in support of his argument, the taxpayer has failed to meet his burden of proving error on the part of the deficiency determination. Albertson's, Inc. v. State, Dept. of Revenue, 106 Idaho 810 (1984).

THEREFORE, the NODD dated July 13, 2012, and directed to [Redacted], is hereby AFFIRMED, and MADE FINAL.

IT IS ORDERED that the taxpayer pays the following tax, penalty, and interest:

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
2006	\$503	\$126	\$160	\$789
2007	1,004	251	250	<u>1,505</u>
			TOTAL DUE	<u>\$2,294</u>

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 \_\_\_\_\_ 2013.

IDAHO STATE TAX COMMISSION

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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.

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