

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)
[Redacted],) DOCKET NO. 25524
Petitioner.)
DECISION
_____)

BACKGROUND

On October 5, 2012, the Tax Discovery Bureau (Bureau) of the Idaho State Tax Commission (Commission) issued a Notice of Deficiency Determination (NODD) to [Redacted] (Petitioner) proposing income tax, penalty, and interest for taxable years 2008 and 2009 in the total amount of \$8,080. On December 5, 2012, the Petitioner filed a timely protest. The Petitioner requested an extension of time to respond and he requested the penalties be abated. No response was received. The file was transferred to Tax Policy on February 8, 2013, for resolution.

ISSUES

1. Whether the NODD issued by the Bureau based on income reported to the Commission is correct.
2. Whether the penalties asserted by the Bureau are appropriate and should be sustained.

DISCUSSION

This is a non-filer case. The Petitioner did not submit Idaho individual income tax returns for taxable years 2008 and 2009. The Bureau sent the Petitioner a letter, dated June 14, 2012, notifying him of the missing returns. When no response was received to the initial letter, the Bureau requested and received a transcript of the Petitioner’s [Redacted] income records from [Redacted] [Redacted]. An NODD was prepared with the information available.

On February 28, 2013, the Commission sent the Petitioner a letter that explained the methods available for redetermining an NODD. The letter also stated that the Petitioner could submit information to be considered at that time. The Petitioner did not respond.

LAW AND ANALYSIS

Idaho Code § 63-3030(1) says: Every resident individual required to file a federal return under section 6012(a) (1) of the Internal Revenue Code (IRC).

Section 6012 of the IRC requires every individual that has income greater than the combination of the standard deduction and the personal exemption shall file a [Redacted]return.

Therefore, every Idaho resident with taxable income greater than the combination of the standard deduction and the personal exemption is required to file an Idaho Individual Income Tax return. Information filed with the Commission showed that the Petitioner had income in excess of the threshold to require filing an Idaho income tax return in 2008 and 2009. The Petitioner failed to file his 2008 and 2009 Idaho income tax returns.

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). The burden is on the taxpayer to show the deficiency is erroneous. Albertson's, Inc. v. State, Dept. of Revenue, 106 Idaho 810 (1984).

Having presented no information in support of his position, the Petitioner failed to meet his burden of proving error on the part of the deficiency determination. Absent information to the contrary, the Commission accepts the Bureau's calculation of Idaho income tax, penalty, and interest for those years.

Idaho Code § 63-3046 outlines the penalties that are imposed for not filing a tax return when required, and failure to pay taxes that are owed on time. The penalties in this NODD are calculated in accordance with § 63-3046.

CONCLUSION

THEREFORE, the Notice of Deficiency Determination dated Oct 5, 2012, and directed to [Redacted] is hereby AFFIRMED by this decision.

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

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
12/31/08	\$ 2,826	\$ 707	\$ 498	\$ 4,031
12/31/09	2,995	749	380	<u>4,142</u>
			TOTAL DUE	<u>\$ 8,173</u>

Interest is calculated through May 15, 2013, and will continue to accrue at the rate set forth in Idaho Code section 63-3045.

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.
