

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 38969
[Redacted],)	
)	
Petitioner.)	DECISION
_____)	

On July 21, 2014, the Idaho State Tax Commission (Commission) issued a Notice of Deficiency Determination (NODD) to [Redacted] (taxpayer) denying the additional dependency exemption deduction and grocery credit claimed for taxable year 2013 and assessing additional tax and interest for taxable year 2013 in the total amount of \$111.72.

The taxpayer did not respond to a letter outlining his alternatives for redetermining a protested NODD, nor did he request a hearing. The Commission, having reviewed the file, hereby issues its decision.

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

In response to a request for additional information, the taxpayer stated that his son lived with him and that he provided support for [Redacted] in taxable year 2013. No further documentation was provided to support the claim.

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 taxpayer must show he has either a qualifying child or qualifying relative. Regarding a qualifying child, the taxpayer did not show that [Redacted] lived with him for over one-half of the year. As for meeting the requirements for a qualifying relative, the taxpayer failed to show that [Redacted] is not a qualifying child of any other taxpayer for taxable year 2013.

The taxpayer did not satisfy the requirements to claim the dependency exemption for his son, [Redacted]. Also, because the taxpayer is not entitled to the dependent exemption, the taxpayer cannot claim the additional grocery credit per Idaho Code §63-3024A.

THEREFORE, the Notice of Deficiency Determination dated July 21, 2014, and directed to [Redacted] is APPROVED and MADE FINAL.

IT IS ORDERED that the taxpayer pay the following tax and interest:

<u>YEAR</u>	<u>TAX</u>	<u>INTEREST</u>	<u>TOTAL</u>
2013	\$110	\$3	\$113

Interest is calculated through January 15, 2015.

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 _____ 2014.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____ 2014, 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.