

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

In the Matter of the Protest of )  
 )  
 REDACTED ) DOCKET NO. 0-296-669-184  
 )  
 ) Petitioner. )  
 )  
 ) DECISION  
 )  
 \_\_\_\_\_ )

On February 4, 2015, the staff of the Tax Discovery Bureau (Bureau) of the Idaho State Tax Commission (Commission) issued a Notice of Deficiency Determination (NODD) to Redacted (taxpayers) proposing income tax, penalty, and interest for taxable years 2009, 2010, and 2012 in the total amount of \$3,792.

On April 8, 2015, the taxpayers filed a timely appeal and petition for redetermination. On July 23, 2015, the taxpayers submitted signed protest withdrawal statements for taxable years 2010 and 2012. The assessments were posted and those tax years will not be mentioned further in this decision. The only tax year remaining on the NODD is 2009. The Commission has made numerous attempts to contact the taxpayers to allow them the opportunity to provide the missing tax return or any additional information. To date, no return has been received. The Commission, having reviewed the file, hereby issues its decision.

When the Bureau could not find any record of the taxpayers' 2009 Idaho individual income tax return, the taxpayers were sent a letter advising them of the missing return and asking for an explanation. After numerous requests, the taxpayers stated they had requested an Redacted transcript for the 2009 tax year to assist them in filing their Idaho return. To date, no return has been received.

The Bureau requested and received income information from the Redacted in accordance with Redacted § 6103(d) and Idaho Code § 63-3077. Those records indicated that the taxpayers'

income for 2009 exceeded the filing requirements of Idaho Code § 63-3030. The Bureau prepared a provisional return for 2009. An NODD was issued based on information obtained from the Redacted and records retained by the Commission. The taxpayer protested the Bureau's determination and requested more time to file the missing tax return.

The Idaho resident individual income tax return the Bureau prepared on behalf of the taxpayers was based on income information obtained from the taxpayers' Redacted records and the records retained by the Commission. The filing status Redacted was used to determine the taxpayers' Idaho income tax responsibility. Withholding was allowed to offset the amount of Idaho income tax due for that year.

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). The taxpayers did not meet their burden. It is the taxpayers' responsibility to provide any deductions to offset the Bureau's income figures. United States v. Ballard, 535 F.2d 400 (1976). Since the taxpayers failed to meet their burden, the Commission finds the adjusted gross income amount for taxable year 2009, prepared by the Bureau, is a reasonable representation based upon the information available.

The taxpayers have provided nothing that would dissuade the Commission from accepting the Bureau's determination of Idaho income and Idaho income tax for taxable year 2009.

The Bureau added interest and penalty to the taxpayers' Idaho tax. The Commission reviewed those additions and found them appropriate and in accordance with Idaho Code §§ 63-3045 and 63-3046, respectively.

THEREFORE, the Notice of Deficiency Determination dated February 4, 2015, and directed to Redacted is hereby MODIFIED and MADE FINAL.

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
2009	\$ 1,634	\$ 409	\$ 379	\$ 2,422

Interest is calculated through March 1, 2016.

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

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

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

IDAHO STATE TAX COMMISSION

\_\_\_\_\_  
COMMISSIONER

**CERTIFICATE OF SERVICE**

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_ 2015, 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.  
  
\_\_\_\_\_