

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 26081
[Redacted],)	
)	
Petitioner.)	DECISION
_____)	

On July 8, 2013, 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 2009 through 2011, in the total amount of \$5,742.

The petitioner filed a timely protest. She requested an informal conference, which was held telephonically on June 9, 2014. The petitioner did not submit any additional information for consideration. Therefore, the Commission hereby issues its decision based upon the information contained in the file.

When the Bureau could not find any record of the petitioner’s 2009 through 2011 Idaho individual income tax returns, the petitioner was sent a letter advising her of the missing returns and asking her for an explanation. The petitioner did not respond.

The Bureau requested, and received, a transcript of the petitioner’s [Redacted] income records from the [Redacted]. The information was provided in accordance with Internal Revenue Code § 6103(d) and Idaho Code § 63-3077.

Idaho Code § 63-3045 (1)(a) states:

Notice of redetermination or deficiency -- Interest. (1) (a) If, in the case of any taxpayer, the state tax commission determines that there is a deficiency in respect of the tax imposed by this title, the state tax commission shall, immediately upon discovery thereof, send notice of such deficiency to the taxpayer by first class mail or by other commercial delivery service providing proof of delivery, whichever is the most cost efficient. The notice shall be sent to

the taxpayer's last address known to the state tax commission. The notice of deficiency shall be accompanied by an explanation of the specific reason for the determination and an explanation of the taxpayer's right to appeal. Within sixty-three (63) days after such notice is mailed, the taxpayer may, at his option, file a protest in writing with the state tax commission and obtain redetermination of the deficiency.

The Bureau prepared the missing Idaho returns on behalf of the petitioner and sent her an NODD. On August 28, 2013, the petitioner appealed the NODD, stating that she did not file income tax returns for the years shown on the NODD because her actual gross income in each of the years was less than the personal exemption and standard deduction amounts. The petitioner requested the Bureau investigate the matter further and then schedule an informal hearing for her with a Commissioner. The Bureau forwarded the file to the Legal/Tax Policy Division for continuation of the appeals process.

On January 16, 2014, the tax policy specialist sent the petitioner a letter that outlined her appeal rights. The petitioner responded, stating [Redacted] a brief telephone conference was held on June 9, 2014. The petitioner attempted to explain why she felt the income shown on the NODD was incorrect and requested a subsequent hearing be held after [Redacted] so she could have a chance to provide additional documentation.

Based on information obtained from the [Redacted], the petitioner [Redacted]. The petitioner did not contact the Commission. However, the Commission did obtain a new address for the petitioner through an inquiry of the [Redacted]. A follow-up letter was sent to the petitioner on January 7, 2015, giving her another opportunity to appear for an informal hearing. The petitioner did not respond. To date, the petitioner has not submitted income tax returns for taxable years 2009 through 2011, and has not provided any additional information for the Commission's consideration. The time has come for the Commission to decide this matter.

The information obtained from the [Redacted] along with Commission records, shows the petitioner had income in excess of the filing requirement. The Commission issued an NODD to the petitioner based upon this information. The Commission used a filing status of single, with no dependents. The petitioner's withholding of \$25 for taxable year 2009 was allowed to offset a portion of the Idaho income tax due. The penalty and interest additions were calculated in conformity with Idaho Code §§ 63-3045 and 63-3046.

A Notice of Deficiency Determination issued by the Idaho State Tax Commission is presumed to be accurate. Parsons v. Idaho State Tax Comm'n, 110 Idaho 572 (Ct. App. 1986). The burden is on the taxpayer to show that the tax deficiency is erroneous. Albertson's, Inc. v. State, Dept. of Revenue, 106 Idaho 810 (1984).

The petitioner has provided nothing that would dissuade the Commission from accepting the Bureau's determination of Idaho income and Idaho income tax for taxable years 2009 through 2011.

THEREFORE, the Notice of Deficiency Determination dated July 8, 2013, is hereby APPROVED and MADE FINAL.

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

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
2009	\$618	\$155	\$126	\$899
2010	1,942	486	299	2,727
2011	1,756	439	199	<u>2,394</u>
			TOTAL DUE	<u>\$6,020</u>

Interest is computed through June 1, 2015.

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 _____ 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.