

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)
) DOCKET NO. 39156
[Redacted],)
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) Petitioners.) DECISION
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On May 21, 2014, the Tax Discovery Bureau (Bureau) of the Idaho State Tax Commission (Commission) issued a Notice of Deficiency Determination (NODD) to [Redacted] and [Redacted] (petitioners) proposing income tax, penalty, and interest for taxable years 2008 through 2012 in the total amount of \$11,831.

The petitioners protested the determination and subsequently submitted Idaho Individual income tax returns for taxable years 2008 through 2011. The returns were accepted as filed and the NODD is hereby cancelled for those years. Taxable years 2008 through 2011 will not be addressed further in this decision. No information was submitted for taxable year 2012. The Tax Commission, having reviewed the file, hereby issues its decision regarding taxable year 2012.

When the Bureau could not find any record of the petitioners' 2012 Idaho individual income tax return, the petitioners were sent a letter advising them of the missing return and asking them for an explanation. The petitioners did not respond.

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

The Bureau prepared the missing Idaho return on behalf of the petitioners and sent them an NODD. On July 19, 2014, the petitioners appealed the NODD. The petitioners did not deny they had a filing requirement and requested copies of income information from the Bureau so that they

could complete the missing returns. The Bureau provided the requested information and granted the petitioners additional time in which to prepare and file their return for the aforementioned year. When the return did not arrive as expected, the file was transferred to the Legal/Tax Policy Division for administrative review.

The petitioners responded to a letter from the tax policy specialist that outlined their appeal rights. They did not request an informal hearing, but did request another extension of time to prepare the missing return. To date, the return has not been submitted and the petitioners have 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 petitioners had income in excess of the filing requirement. The Commission issued an NODD to the petitioners based upon this information. The Commission used a filing status of married, filing joint, with no dependents, and the additional standard deduction amount was allowed as [Redacted] is over 65 years of age. The petitioners' withholding of \$1,610 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 petitioners have provided nothing that would dissuade the Commission from accepting the Bureau's determination of Idaho income and Idaho income tax for taxable year 2012.

THEREFORE, the Notice of Deficiency Determination dated May 21, 2014, and directed to [Redacted] and [Redacted], is hereby MODIFIED, and as modified by this decision, APPROVED and MADE FINAL.

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

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
2012	\$1,866	\$467	\$180	\$2,513

Interest is computed through December 1, 2015.

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

An explanation of the petitioners' 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.
