

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)
[Redacted],) DOCKET NO. 39197
)
)
Petitioner.) DECISION
)
_____)

On April 24, 2014, the Income Tax Audit Division of the Idaho State Tax Commission (Commission) issued a Notice of Deficiency Determination (NODD) to [Redacted] (petitioner) proposing additional income tax, penalty, and interest for taxable year 2010 in the total amount of \$1,698.

On June 9, 2014, a timely protest and petition for redetermination was filed by the petitioner. The petitioner has not requested a hearing. The Commission has reviewed the file, is advised of its contents, and hereby issues its decision affirming the NODD.

The petitioner was issued an NODD by the Commission pursuant to an [Redacted] redetermination of their income. The Commission received the [Redacted] audit from the [Redacted] showing that they had reduced or eliminated various itemized deductions claimed on the petitioner’s Schedule A and Schedule C. The Commission found that the auditor correctly recomputed the petitioner’s income tax liability pursuant to the [Redacted] redetermination.

The protest letter submitted by the petitioner’s appointed representative stated that additional information had been provided to the [Redacted] that should change the results of their audit. To date, the petitioner has not provided any documentation from the [Redacted] that shows the [Redacted] NODD was changed. Furthermore, a review of [Redacted] records shows none of the additional tax assessed by examination has been abated.

Idaho Code § 63-3002 states it is the intent of the Idaho legislature to make the Idaho income tax code identical to the Internal Revenue Code in the way taxable income is determined. Idaho Code § 63-3069 states that, upon a final determination of any deficiency or refund of [Redacted] taxes, written notice shall be immediately sent to the State Tax Commission by the taxpayer. IDAPA 35.01.01 Income Tax Administrative Rule 890.03 states that immediate notification is within 60 days of the final determination.

From the cited Idaho Code sections and the Administrative Rule, it is apparent the Idaho legislature intended any changes made to the petitioners' [Redacted] return to be reflected on the petitioner's Idaho return. Therefore, it is the Commission's position that the changes made to the petitioner's [Redacted] return must be made to the petitioner's state return.

Following the Idaho Code, the adjustments should be made to the petitioner's Idaho income tax return. The petitioner carries the burden to prove the adjustments were incorrect. The Commission's position is that the petitioner must be granted relief at the [Redacted] level before relief can be granted at the state level.

Since the petitioner has not provided the Commission with a contrary result to the [Redacted] original redetermination, the Commission must uphold the deficiency as asserted.

THEREFORE, the Notice of Deficiency Determination dated April 24, 2014, and directed to [Redacted], is hereby APPROVED and MADE FINAL.

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

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
2010	\$1,453	\$73	\$258	\$1,784

Interest is calculated through December 15, 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.
