

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)
[Redacted],) DOCKET NO. 39292
Petitioner.) DECISION
_____)

On September 4, 2014, the staff of the Tax Discovery Bureau 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 2011 in the total amount of \$490.

The petitioner filed a timely appeal and petition for redetermination. However, he did not respond to the Commission’s hearing rights letter and has provided nothing further for the Commission’s consideration. The Commission, having reviewed the file, hereby issues its decision.

The Tax Discovery Bureau (Bureau) received information from the [Redacted] that the taxpayer omitted income on his [Redacted] income tax return for taxable year 2011. The [Redacted] determined the income should have been reported and corrected the taxpayer’s [Redacted] income tax return. The additional income was from pensions/annuities and from dependent care benefits included on the petitioner’s form W-2.

The Bureau reviewed the changes the [Redacted] made and determined the taxpayer’s Idaho income tax return should be corrected as well. The Bureau adjusted the taxpayer’s 2011 Idaho income tax return and sent him an NODD. The petitioner protested the Bureau’s determination, stating that his [Redacted] return had been amended, the result of which would be a refund instead of a tax due. The Bureau acknowledged the protest and continued to monitor the

petitioner's [Redacted] account transcript for any changes. After several months the petitioner contacted the Bureau informing them that his 2011 [Redacted] return was not amended after all, but an adjustment was made. Because the petitioner's [Redacted] transcript continued to reflect the original audit adjustments, the Bureau referred the matter for administrative review.

Idaho Code section 63-3002 states that it is the intent of the Idaho legislature, insofar as possible, to make the Idaho Income Tax Code identical to the Internal Revenue Code in the way taxable income is determined. Idaho Code section 63-3069 states that upon a final determination of any deficiency or refund of federal taxes, written notice shall immediately be sent to the State Tax Commission by the taxpayer. IDAPA 35.01.01.890.03 Income Tax Administrative Rule states that immediate written notification is required 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 a taxpayer's [Redacted] return be reflected on the taxpayer's Idaho return. Therefore, it is the Commission's position that the changes made to the taxpayer's [Redacted] return must be made to the taxpayer's state return.

The petitioner has not provided the Commission with a contrary result to the [Redacted] original redetermination. Therefore, the Commission must uphold the Bureau's adjustment to the petitioner's 2011 Idaho income tax return.

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

THEREFORE, the Notice of Deficiency Determination dated September 4, 2014, and directed to [Redacted], is hereby AFFIRMED and MADE FINAL.

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
2011	\$429	\$21	\$63	\$513

Interest is calculated through December 3, 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.
