

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 0-184-569-856
[Redacted] ,)	
)	
Petitioner.)	DECISION
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)	

[Redacted] (Petitioner) protested the Notice of Deficiency Determination dated November 3, 2015, issued by the Tax Discovery Bureau (Bureau) of the Idaho State Tax Commission asserting income tax, penalty, and interest for taxable year 2011 in the total amount of \$637. Petitioner disagreed with the Bureau’s determination of his taxable income and stated that he would file an income tax return if he were given more time. The Tax Commission having reviewed the file hereby issues its decision.

BACKGROUND AND ANALYSIS

The Bureau received information that showed Petitioner received wages in 2011 in excess of the filing threshold provided in Idaho Code section 63-3030. The Bureau searched the Tax Commission’s records and found Petitioner did not file an Idaho individual income tax return for taxable year 2011. The Bureau gathered additional information from third party sources and determined Petitioner was required to file an Idaho individual income tax return for taxable year 2011.

The Bureau sent Petitioner a letter asking about his requirement to file a 2011 Idaho income tax return. Petitioner did not respond. The Bureau prepared a return for Petitioner based upon the information available and sent him a Notice of Deficiency Determination.

Petitioner protested the Bureau’s determination stating, given more time he would file a 2011 Idaho income tax return. The Bureau acknowledged Petitioner’s protest and allowed Petitioner additional time to submit his return. However, when it became apparent Petitioner

was not going to provide his return within a reasonable amount of time, the Bureau referred the matter for administrative review.

The Tax Commission reviewed the matter and sent Petitioner a letter that discussed the methods available for redetermining a protested Notice of Deficiency Determination. Petitioner contacted the Tax Commission to discuss the matter. Petitioner stated he needed to find a tax preparer to help him complete and file his return. The Tax Commission went through the information the Bureau had gathered with Petitioner and asked if there was any other income or deductions that Petitioner had in 2011. Petitioner stated he did not know of any other income or deductions occurring in 2011. This being the case, the Tax Commission told Petitioner it would likely be of no advantage to him to retain a tax preparer to prepare an income tax return for him. The Tax Commission stated it would review the return the Bureau prepared and determine if everything Petitioner and the Tax Commission discussed was included on the return. Petitioner agreed.

The Tax Commission reviewed the Bureau's return and found that all Petitioner's income and appropriate deductions were included on the return. However, the Bureau did not allow Petitioner the Idaho "grocery" credit. Idaho Code section 63-3024A allows a credit to every resident individual that is required to file a return and does file an Idaho return. Since Petitioner was required to file an Idaho income tax return and the return prepared by the Bureau will constitute a filed return, the Tax Commission allowed the appropriate grocery credit on Petitioner's income tax return.

CONCLUSION

Petitioner received wages during taxable year 2011 in excess of the filing requirement of Idaho Code section 63-3030. Petitioner was required to file an Idaho individual income tax return. The income tax return the Bureau prepared for Petitioner included all of Petitioner's

income and allowable deductions. Additionally, because Petitioner is an Idaho resident, he is entitled to the grocery credit as provided in Idaho Code section 63-3024A. Therefore, the Tax Commission finds the income tax return prepared by the Bureau an accurate representation of Petitioner's Idaho taxable income. The Tax Commission finds further that Petitioner is entitled to the Idaho grocery credit and hereby allows that credit towards Petitioner's tax.

The Bureau added penalty and interest to Petitioner's income tax liability. The Tax Commission reviewed those additions and found them appropriate and in accordance with Idaho Code sections 63-3045 and 63-3046.

THEREFORE, the Notice of Deficiency Determination dated November 3, 2015, and directed to **[Redacted]** is AFFIRMED as MODIFIED by this decision.

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

<u>YEAR</u>	<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
2011	\$399	\$100	\$65	\$564

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 _____ 2016.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____ 2016, 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.
