

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)
) DOCKET NO. 0-495-411-200
[REDACTED],)
)
)
) Petitioners.) DECISION
)
_____)

On December 2, 2013, the Tax Discovery Bureau (Bureau) of the Idaho State Tax Commission (Commission) issued a Notice of Deficiency Determination (NODD) to [Redacted] (petitioners) proposing income tax, penalty, and interest for taxable years 2008 and 2009 in the total amount of \$1,700.

The petitioners protested the determination stating they had no idea why the state had lost their income tax returns for those years. The petitioners included with their appeal letter, payment for taxable year 2008 in the amount of \$161, and stated “ to close out the 2008 dispute as that amount is not worth fighting over.” Taxable year 2008 will not be addressed further in this decision. No information was submitted for taxable year 2009. The Tax Commission, having reviewed the file, hereby issues its decision regarding taxable year 2009.

When the Bureau could not find any record of the petitioners’ 2009 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 the [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 January 28, 2014, the petitioners appealed the NODD. The petitioners did not deny

they had a filing requirement but rather, stated that they believed their Idaho return for taxable year 2009 was filed April 14, 2010, along with their [Redacted] return, and they had paid the amount of tax due. The petitioners went on to state that they would attempt to retrieve the tax files from their computer and would be in touch soon. The Bureau allowed the petitioners' additional time in which to recover the tax information or provide documentation to show the proposed tax due had been paid. When neither the return nor, proof of payment arrived the file was transferred to the Legal/Tax Policy Division for administrative review.

The petitioners did not respond to a letter from the tax policy specialist that outlined their appeal rights and have to date, not submitted an Idaho individual income tax return for taxable year 2009. The time has come for the Commission to decide this matter.

The Bureau computed the petitioners' Idaho income tax responsibility using the same filing status of married, filing joint, with four exemptions as shown in [Redacted] records. Idaho withholding totaling \$3,225 was identified and allowed to offset a portion of the Idaho income tax due. The interest and penalty added by the Bureau pursuant to Idaho Code §§ 63-3045 and 63-3046 was reviewed and found to be proper and in accordance with Idaho Code.

A Notice of Deficiency Determination issued by the Idaho State Tax Commission is presumed to be accurate. Parsons v. Idaho State Tax Commission, 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 2009.

THEREFORE, the Notice of Deficiency Determination dated December 2, 2013, and directed to [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> |
|-------------|------------|----------------|-----------------|--------------|
| 2009 | \$1,100 | \$275 | \$265 | \$1,640 |

Interest is computed through May 16, 2016.

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 _____ 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.
