

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 1-946-439-680
[REDACTED],)	
)	
Petitioner.)	DECISION
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)	

[Redacted] (Petitioner) protested the Notices of Deficiency Determination dated August 6, 2014, asserting income tax, penalty, and interest in the total amount of \$16,560 for taxable years 2008 through 2012. Petitioner disagreed with the Tax Discovery Bureau’s (Bureau) determination of his Idaho income tax. The Tax Commission, having reviewed the file, hereby issues its decision.

BACKGROUND

The Bureau received information from the Idaho Department of Labor that showed Petitioner received wages in excess of the filing threshold amount provided in Idaho Code section 63-3030. The Bureau reviewed the Tax Commission’s records and found that Petitioner did not file Idaho individual income tax returns for the taxable years 2008, 2009, 2010, 2011, and 2012. The Bureau sent Petitioner a letter asking about his requirement to file Idaho income tax returns for the identified years. Petitioner did not respond, so the Bureau gathered all the information available to the Tax Commission, prepared income tax returns for Petitioner, and sent Petitioner two Notices of Deficiency Determination; one as married filing joint with [Redacted] for taxable years 2008 through 2010 and one as married filing separate for taxable years 2011 and 2012.

Petitioner protested the Bureau’s determination. Petitioner stated he may actually owe less than what the Bureau determined. Petitioner asked for additional time to prepare his income tax returns.

The Bureau acknowledged Petitioner's protest and allowed Petitioner additional time to prepare and submit his income tax returns. However, after nearly a year had passed with no contact from Petitioner, the Bureau sent Petitioner a letter giving him a final date to provide his returns to the Bureau. When that date came and went with no response from Petitioner, 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 did not respond. The Tax Commission sent a follow-up letter to Petitioner, but still received no response. Therefore, the Tax Commission decided the matter based upon the information available.

LAW AND ANALYSIS

Idaho Code section 63-3030 states the income thresholds for filing Idaho individual income tax returns. From the information the Bureau gathered it is evident that Petitioner had income in excess of the filing threshold for resident individuals for each of the taxable years in question. Petitioner was required to file an Idaho income tax return.

Petitioner did not disagree that he was required to file Idaho individual income tax returns. Petitioner's only statement against the Notices of Deficiency Determination was that he "may owe less than the amount indicated . . ." Petitioner stated he would prepare returns; however, no returns were ever received from Petitioner.

The Bureau's determination of Petitioner's Idaho income tax came from forms 1099 and W-2 Wage and Tax statements. The Bureau allowed Petitioner personal exemption deductions and the standard deduction. The Bureau determined from the information gathered that Petitioner was married for all the years in question and that Petitioner likely would have filed as

married filing joint for taxable years 2008, 2009, and 2010. However, for taxable years 2011 and 2012 the information gathered did not support the election for filing married filing joint, so the Bureau used the filing status of married filing separate.

Petitioner failed to provide any information contrary to the Bureau's determination. Petitioner made no further contact with the Tax Commission. In Idaho, a State Tax Commission deficiency determination is presumed to be correct and the burden is on the taxpayer to show that the deficiency is erroneous. Parsons v. Idaho State Tax Commission, 110 Idaho 572, 574-575 n. 2, 716 P. 2 d 1344, 1346-1347 n. 2 (Ct. App. 1986). Petitioner did not meet his burden. The Tax Commission reviewed the returns the Bureau prepared for Petitioner and, considering the information available, found them to be an accurate representation of Petitioner's Idaho taxable income for the taxable years in question.

CONCLUSION

Petitioner received income in excess of Idaho's filing requirements in 2008, 2009, 2010, 2011, and 2012. Petitioner was required to file Idaho individual income tax returns for those taxable years. Petitioner did not contest his requirement to file Idaho income tax returns; Petitioner wanted to file his own returns.

Petitioner did not provide his own returns and failed to present anything to show inaccuracies in the returns prepared by the Bureau. Therefore, the Tax Commission finds Petitioner's 2008, 2009, 2010, 2011, and 2012 Idaho income tax returns, as prepared by the Bureau, are an accurate depiction of Petitioner's Idaho income tax.

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

THEREFORE, the Notices of Deficiency Determination dated August 6, 2014, and directed to [Redacted][Redacted] are AFFIRMED.

<u>YEAR</u>	<u>TAX</u>	<u>TAX</u>	<u>INTEREST</u>	<u>TOTAL</u>
2008	\$1,252	\$313	\$370	\$1,935
2009	7,967	1,992	1,956	11,915
2010	715	179	142	1,036
2011	852	213	135	1,200
2012	929	232	113	<u>1,274</u>
			TOTAL DUE	<u>\$17,360</u>

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.
