

**BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO**

In the Matter of the Protest of	)	
	)	DOCKET NO. 0-061-613-056
	)	
Petitioner.	)	DECISION
<hr style="width: 45%; margin-left: 0;"/>	)	

(Petitioner) protested the Notice of Deficiency Determination (Notice) dated January 23, 2023. The Tax Commission reviewed the matter and hereby issues its final decision upholding the Notice. This means Petitioner needs to pay \$6,249 of tax, penalty, and interest for tax years 2014, 2015, 2016, 2019, and 2020. The Tax Commission DEMANDS immediate payment of this amount.

**Background**

During a review of taxpayer information, the Tax Commission’s Tax Discovery Bureau (Bureau) could not locate Petitioner’s Idaho individual income tax returns for tax years 2014, 2015, 2016, 2017, 2019, and 2020. The Bureau determined that Petitioner met the requirements to file Idaho tax returns for the years in question.

The Bureau first contacted Petitioner on November 18, 2022, inquiring about his missing returns. Petitioner responded, indicating that he would file the missing returns by July 1, 2023. The Bureau prepared returns for him and issued the Notice on January 23, 2023. The Bureau determined that Petitioner was an Idaho resident, unmarried, and had no dependents for these years. In calculating Petitioner’s Idaho taxable income, the Bureau included only wages. In calculating his tax due, the Bureau allowed credit for Idaho income tax withholding as reported to the Tax Commission by his employers.

On March 20, 2023, Petitioner mailed a protest of the Notice. He wrote that he and his spouse are still married (separated since 2016) and she benefitted from his earnings so should be responsible for a portion of the debt. He also felt that “some of [the Bureau’s] findings on debt” are “in excess.”

On May 2, 2023, the Bureau sent a letter acknowledging Petitioner’s protest and requesting more information on any income records he disagreed with. The Bureau also explained that Petitioner had filed using the Single filing status prior to and during the span of time covered by the Notice and that his spouse had been claimed on other returns during the audit period. A response was requested by May 15, 2023. This letter garnered no response, so the Bureau forwarded the matter to the Tax Commission’s Appeals unit (Appeals) for administrative review.

On August 8, 2023, Appeals sent Petitioner a letter outlining two options for redetermining a protested Notice. Petitioner did not respond. Therefore, the Tax Commission decided this matter based on the information currently available.

### **Law and Analysis**

Idaho Code section 63-3030(a)(1) requires each individual who is a resident of Idaho to file an Idaho income tax return if required to file a federal return. Internal Revenue Code section 6012 states that the requirement to file a federal return is based on gross income. The information gathered by the Bureau shows that Petitioner received gross income above the threshold amounts for filing returns for all the tax years in the audit period.

Petitioner did not express disagreement with the Bureau’s conclusion that he was required to file Idaho returns for the years in question. Rather, he argued that the amount he owes as a result of the returns the Bureau prepared is excessive and that it should be shared with a spouse.

The Tax Commission reviewed Petitioner's Idaho income tax filing history. Currently available records show that Petitioner has filed a joint return twice (for tax years 1999 and 2007). On all of the returns Petitioner filed after 2007 (for tax years 2008-2011 and 2018), he claimed the Single filing status with no dependents. The Tax Commission finds it appropriate that the Bureau used the Single filing status in determining Petitioner's Idaho taxable income and associated tax as shown in the Notice.

In Idaho, it is well established that a Tax Commission Notice is presumed to be correct, and the taxpayer bears the burden of showing the deficiency is erroneous. *See Parsons v. Idaho State Tax Commission*, 110 Idaho 572, 574-575 n.2 (Ct. App. 1986) (citing *Albertson's Inc. v. State, Dept. of Revenue*, 106 Idaho 810, 814 (1984)). The Tax Commission requires Petitioner to provide adequate evidence to establish that the amount asserted in the Notice is incorrect, which he has failed to do. Petitioner has not filed actual returns or provided any substantive argument or documentation to show the individual income tax returns prepared by the Bureau for tax years 2014, 2015, 2016, 2019, and 2020 are incorrect.

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

### **Conclusion**

Based on available information, Petitioner met the requirements for filing Idaho income tax returns for tax years 2014, 2015, 2016, 2019, and 2020, but has not filed them. Petitioner has not provided any evidence or compelling argument that the returns prepared by the Bureau are incorrect. The Tax Commission finds the returns prepared by the Bureau to be a reasonable representation of Petitioner's Idaho taxable income and related tax due for the years in question.

THEREFORE, the Notice dated January 23, 2023, and directed to \_\_\_\_\_ is hereby AFFIRMED and MADE FINAL.

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>
2014	1,656	414	550	2,620
2015	943	236	275	1,454
2016	626	157	160	943
2019	727	182	91	1,000
2020	172	43	17	<u>232</u>
			TOTAL DUE	6,249

Interest is calculated through January 22, 2024.

An explanation of Petitioner's right to appeal this decision is enclosed.

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

IDAHO STATE TAX COMMISSION

**CERTIFICATE OF SERVICE**

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_ 2023,  
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:

Receipt No.

---

---