

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 0-357-955-584
)	
)	
Petitioner.)	DECISION
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This case arises from a timely protest of a Notice of Refund Determination (Notice) issued to _____ (Petitioner) for taxable year 2021. The Idaho State Tax Commission (Commission) after a thorough review of the matter upholds the Notice issued to Petitioner.

THEREFORE, the Notice dated April 20, 2022, and directed to Petitioner is AFFIRMED.

There is no demand for payment; the Notice issued to Petitioner was for a reduction in a claimed refund.

The Commission upholds the Notice for the reasons discussed below.

BACKGROUND

Petitioner filed a Form 43, Part-year Resident and Nonresident Income Tax Return for taxable year 2021 which excluded Idaho wages. The Revenue Operations Division Taxpayer Accounting Section (Revenue Operations) using both the Commission and third-party information confirmed Petitioner, who is a nonresident, had \$39,583 of Idaho source income on the Form W-2 and reported to the Idaho Department of Labor. Revenue Operations issued a Notice that included all Idaho source income. Petitioner protested the Notice stating in part: “I’m currently living in Washington, but my workplaces are in Idaho and I’m also working remotely.” Revenue Operations accepted Petitioner’s protest and transferred the matter to the Tax Commission’s Appeals Unit for administrative review.

Appeals reviewed the matter and sent Petitioner a letter with two options for redetermining a protested Notice. Petitioner did not respond to the letter, nor did Petitioner provide any additional information.

LAW AND ANALYSIS

Idaho Code section 63-3026A(1) states in part that for nonresident individuals, trusts, or estates the term “Idaho taxable income” includes those components of Idaho taxable income as computed for a resident which are derived from or related to sources within Idaho.”

Idaho Code section 63-3030 states in part that any nonresident individual having a gross income from Idaho sources in excess of two thousand five hundred dollars (\$2,500) is subject to the state of Idaho for tax purposes and is required to file a tax return.

In this matter Petitioner’s Idaho source income of \$39,583 is over the threshold amount and therefore subject to the state of Idaho for tax purposes.

CONCLUSION

The Commission requires Petitioner to provide adequate evidence to establish that the amount asserted in the Notice is incorrect. Here, Petitioner did not provide adequate evidence to refute they had a filing requirement in Idaho based on Idaho source income. As such the Commission upholds the Notice issued to Petitioner regarding the adjustment to include the missing Idaho source income for taxable year 2021.

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

DATED this _____ day of _____ 2022.

IDAHO STATE TAX COMMISSION

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____ 2022,
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.
