

LAW AND ANALYSIS

Idaho Code section 63-3024A provides for a food tax credit (grocery credit) for each allowable dependent reported on an Idaho individual income tax return. Subsection (9) of Idaho Code section 63-3024A provides that part-year residents can receive a proportionate credit for the time the individual is domiciled in Idaho.

Idaho Income Tax Administrative Rule 771(2) states in relevant part: *If the credit exceeds his tax liability, the part-year resident is not entitled to a refund.*

Both Petitioners are over the age of 65, so the calculation for their grocery credit, according to the booklet for tax year 2023 is, $\$11.67 \times 8 = \93.36 each, for a total of \$187.¹

A Notice was issued to Petitioners changing the grocery credit because part-year residents can't receive a grocery credit larger than the amount of tax minus the credit for taxes paid to other states. Petitioners' Idaho adjusted income is \$0 making their tax liability \$0.

CONCLUSION

Petitioners are part-year Idaho residents; therefore, they are not eligible for a refund of the grocery credit.

THEREFORE, the Notice dated March 14, 2024, and directed to
is hereby AFFIRMED and MADE FINAL.

IT IS ORDERED that Petitioners pay the following tax:

<u>YEAR</u>	<u>TAX</u>	<u>TOTAL</u>
2023	\$10	\$10

DEMAND for immediate payment of the foregoing amount is hereby made and given.

¹ The \$160 grocery credit claimed on the return is for two people under sixty-five.

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

DATED this _____ day of _____ 2024.

IDAHO STATE TAX COMMISSION

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____ 2024,
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.
