

In short, residents of Idaho are required to file when their gross income exceeds the sum of (1) their standard deduction (including the amounts for age but not for blindness), and (2) their allowable personal (not dependency) exemptions. Nonresidents must file if their gross income from Idaho sources exceed \$2,500. Part-year residents must file if their gross income while domiciled in Idaho, and from Idaho sources while not domiciled in Idaho, in total exceed \$2,500.

Income information reported to the Tax Commission by employers shows Petitioner received gross income of \$37,753, \$37,143, \$40,392, and \$42,080 in wages for tax years 2016, 2017, 2018, and 2019, respectively. Except for \$9,209 of wages reported in 2019, the employers reported the income as Idaho wages. Petitioner's income exceeds the filing requirement for each of the tax years in question.

Therefore, the Tax Commission finds Petitioner is required to file Idaho individual income tax returns for the referenced tax years.

Petitioner appears to argue that the Notice is incorrect because his wife should've filed married filing joint tax returns for tax years 2016 through 2018. Petitioner didn't cite any facts or law to support his position.

Internal Revenue Code (IRC) section 6013 provides married taxpayers who have the same taxable year can file separate returns or joint returns and explains the qualifications that must be met to file joint returns. In pertinent part, the joint return filing status under IRC 6013(a) is predicated on the husband and wife making an election and intending to file a joint return. Additionally, under IRC 6013, the filing status is determined at the end of the tax year, which is December 31 for most taxpayers.

The Tax Commission finds that since Petitioner and his spouse failed to execute a joint return, the Bureau correctly determined a filing status of single or married filing separate for tax

years 2016 and 2017. Additionally, since Petitioner and his wife divorced in early 2018, the Bureau correctly determined a filing status of single for tax year 2018.

Petitioner appears to argue that the Notice is incorrect because he was a nonresident in 2019 and the Bureau determined he was a part-year resident. Even if Petitioner was a nonresident for tax year 2019 it doesn't change the fact that employers reported that he received \$32,871 in Idaho wages and that he is required to file a tax return under Idaho Code section 63-3030. Additionally, whether a part-year resident or nonresident the Bureau's calculations remain the same. Therefore, on appeal, the Tax Commission finds Petitioner was a nonresident but still required to file an Idaho tax return and required to report his Idaho source income.

CONCLUSION

It is well established that a Notice of Deficiency Determination issued by the Tax Commission is presumed to be accurate. *Parsons v. Idaho State Tax Commission*, 110 Idaho 572, 574-575 m.2, 716 P.2d 1344, 1346-1347 n.2, (Ct. App. 1986). The burden is on Petitioner to show the deficiency is erroneous. *Albertson's Inc. v. State Dep't of Revenue*, 106 Idaho 810, 814, 683 P.2d 846, 850 (1984). Petitioner has not filed tax returns and has not proven the deficiency is erroneous.

The Bureau added interest and penalty to the income tax deficiency. The Tax Commission reviewed those additions, found both to be appropriate per Idaho Code sections 63-3045 and 63-3046, had has updated interest accordingly. Interest is calculated through October 16, 2023, and will continue to accrue at the rate set forth in Idaho Code section 63-3045(6) until paid.

THEREFORE, the Notice of Deficiency Determination dated June 3, 2022, is hereby APPROVED, in accordance with the provisions of this decision, and is 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>
2016	\$1,610	\$403	\$388	\$2,401
2017	1,572	393	327	2,292
2018	1,613	403	267	2,283
2019	1,194	299	141	1,634
				<u>\$8,610</u>

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

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.
