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

In the Matter of the Protest of

Petitioner.

DOCKET NO. 1-802-052-608

DECISION

Taxpayer Accounting sent (Petitioner) a Notice of Deficiency Determination (Notice) for tax year 2022. Petitioner protested, disagreeing with the disallowance of his grocery credit. The Tax Commission has reviewed the matter and hereby upholds the Notice.

### BACKGROUND

Petitioner filed his 2022 Idaho individual income tax return and claimed a \$100 grocery credit on ID Form 40, line 43. Taxpayer Accounting reviewed the return and discovered Petitioner was incarcerated during the entirety of 2022, which disqualifies him from the credit. A Notice was sent to Petitioner removing the credit and disallowing his refund for 2022. Petitioner protested, stating he did not receive any assistance from the federal food stamp program, is an American citizen and has not lived illegally in the United States. Taxpayer Accounting then acknowledged his protest and transferred the case to the Tax Commission's Appeals Unit (Appeals).

Appeals sent Petitioner correspondence informing him of the appeals process and his right to a hearing. Petitioner responded by letter, repeated most of the statements in his original protest. He did not request a hearing, but insisted he should be able to claim the credit. The Tax Commission has considered all the information presented and hereby issues its decision.

### LAW AND ANALYSIS

Idaho Code section 63-3024A defines and explains the rules for "food tax credits and refunds" also known as the grocery credit. Idaho Code section 63-3024A(7) states:

In the event that a credit or refund is attributable to any individual who has been incarcerated for any month or part of a month during the taxable year for which the credit or refund is claimed, the credit or refund allowed under this section shall be in proportion to the number of months of the year in which the individual was not incarcerated.

The statute is clear, individuals incarcerated the entire year cannot claim the grocery credit. According to information available to the Tax Commission, Petitioner has been incarcerated for the entirety of 2022.

# CONCLUSION

Taxpayer Accounting denied Petitioner's grocery credit because he was incarcerated during the entire year in question. The Tax Commission has reviewed the facts at hand and finds the adjustment to his 2022 tax return to be accurate and appropriate.

THEREFORE, the Notice of Deficiency Determination dated August 22, 2023, is hereby APPROVED and MADE FINAL.

No DEMAND for payment is required as this decision denies Petitioner's refund.

An explanation of Petitioner's 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.