



2020 were cancelled. These returns better reflect Petitioner's Idaho taxable income and therefore will not be discussed in this decision.

The Bureau continued to request her tax return for 2021 but appeared to have problems communicating with her accountant regarding records. After multiple extensions of time, the Bureau transferred the case to the Tax Commission's Appeals Unit (Appeals). Appeals sent Petitioner letter on August 30, 2024, explaining the appeals process and her right to a hearing. Petitioner did not respond, so the Tax Commission must decide 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 and used to calculate Petitioner's Idaho taxable income clearly shows that Petitioner received gross income above the threshold amounts for filing returns. Petitioner did not express disagreement with the Bureau's conclusion that she was required to file Idaho returns for the years in question, but rather argued that the estimated income and expenses were incorrect.

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 for tax year 2021 is incorrect. Petitioner has failed to do so. She has not filed actual returns or provided any substantive

argument or documentation to show the individual income tax return prepared by the Bureau for tax year 2021 is incorrect. Therefore, the Tax Commission finds the return prepared by the Bureau is a reasonable representation of Petitioner’s Idaho taxable income and related tax due.

**CONCLUSION**

Based on the available information, Petitioner received income exceeding the gross income threshold for filing Idaho income tax returns for tax year 2021. After multiple requests and extensions of time, Petitioner has yet to file the return. Petitioner has not provided any evidence or compelling argument that the return prepared by the Bureau is incorrect. The Tax Commission finds the return prepared by the Bureau to be a reasonable representation of Petitioner’s Idaho taxable income and related tax due for the year in question.

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.

THEREFORE, the Notice of Deficiency Determination dated November 9, 2023, for tax year 2021, is hereby APPROVED by this decision 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>
2021	\$36,943	\$9,236	\$5,190	\$51,369

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.

[REDACTED]

\_\_\_\_\_  
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[REDACTED]