

NAEA

NATIONAL ASSOCIATION

POWERING AMERICA'S TAX EXPERTS®

OF ENROLLED AGENTS

Intro to Appeals

Level 1

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APPEALS RESPONSIBILITY

- ✓ **can negotiate a settlement**
- ✓ **protects IRS rights**
- ✓ **is advocate for government**

APPEALS MISSION (p 1)

Resolve tax controversies, **without litigation**, on a basis that is **fair and impartial** to both the Government and the taxpayer, and in a manner that will **enhance voluntary compliance** and public confidence in the integrity and efficiency of the service.

APPEALS STRATEGIC PRIORITIES

Increase TP awareness of the Appeals process and their rights within the process

Increase TP awareness of alternative dispute resolution programs

Improve our processes to meet customer needs and expectations and to reduce the length of the Appeals process while spending the right amount of time with each TP

Promote employee productivity, engagement and satisfaction

NO RIGHT TO APPEALS

Section 601.106(b) Statement of Procedural Rules and Rev Proc 87-24 affords a substantive right to an Appeals hearing, but **such general statements of policy and rules **do not have the force and effect of law**, and **are not binding** on the issuing agency, according to the Tax Court.**

***Estate of Jerry Weiss v Comm'r*, TCM 2005-284 (12/13/05)**

APPEALS BACKGROUND

Since the Treasury Department was established there always has been administrative appeal available to TPs

In 1927 provided for an appeal for cases pending before the BTA

Primary responsibility to “**facilitate and expedite the settlement of tax disputes without formal trial**”

APPEALS INDEPENDENCE

RRA 98 mandated that Appeals be independent from IRS enforcement and compliance functions

Appeals conferences must be available in every state on a regular basis

Appeals must consider use of video conference for TPs in remote/rural areas

APPEALS ORGANIZATION (p 2)

National chief in DC

HQ in Baltimore, Manhattan, Nashville, Atlanta, Chicago, Dallas, San Francisco and Laguna Niguel

W&I Appeals Officers are centralized – mostly by phone or correspondence

SB/SE & TE/GE dispersed geographically to mirror disbursement of SB/SE staff.

LB&I most in in metropolitan areas

APPEALS TODAY

Current inventory > 66,000 cases

Most not docketed

>40% are collection related

<40% are exam related

Reaches agreement in 85% exam cases

Only administrative appeal in IRS

APPEALS TODAY

Appeals Officer (AO) gives the case a fresh look – will consider any argument TP makes **except those based solely on ...**

... moral, religious, political, constitutional, or conscientious objection or similar grounds

AO SETTLEMENT AUTHORITY

Full authority if case not previously seen

Docketed cases subject to counsel review

Generally if > \$50,000 AO has authority until determined no progress is being made or case is put on trial calendar

If \leq \$50,000 the case is referred to AO for 6 mo, or until 1 mo before calendar call

APPEALS CONFERENCES

Informal meetings

In local, independent /phone/correspondence

Face-to-face hearing is TP right

TP presents case first

No formal evidence

PRACTICE NOTE

Do not let the informality lull you ...

Be well prepared

... put on a strong case for TP

You know the case better than AO

... use that to your advantage!

PRACTICE NOTE

Campus employees may not be as well trained or experienced ...

If appeal is designated to campus, make a written request within 10 days to have appeal transferred to local office if you want a face-to-face meeting

EXAM VS COLLECTION APPEALS (p 3)

EXAM STANDARD OF REVIEW

**Hazards of Litigation allows TP to
compromise/negotiate with Appeals Officer
for settlement**

COLLECTION STANDARD OF REVIEW

**For Collection actions the Settlement Officer
seeks an alternative collection method to
the proposed enforced collection activity**

COLLECTION APPEALS

TPs have right to Appeals in several ways when taxes are owed:

- final notice of intent to levy,**
- a federal tax lien,**
- rejected offer in compromise**
- TP denied innocent spouse relief**

APPEALS CASES

EXAM: **Appeals Officer** resolves cases using hazards of litigation standard • negotiation possible

CDP: **Settlement Officer** seeks alternative collection to proposed levy

We'll refer to AO in this class

HAZARDS OF LITIGATION

On Examination Cases

... AO can settle in full/part based upon the anticipated outcome of litigation

IRS may concede some issues or a percentage of the amount in controversy ...

HAZARDS OF LITIGATION CONSIDERS

Probability IRS position may not prevail

Legal Authority

Circuit courts of appeal

**Cost to go to trial vs tax amount in
controversy**

PRACTICE NOTE

Tool to evaluate Appeals potential including appeal rights, what can be appealed, OIC, Innocent Spouse, Penalty appeals

see [irs.gov](https://www.irs.gov) for

[Appeals Online Self-Help Tools](https://www.irs.gov/online-tools)

AUDIT RECONSIDERATION (p 4)

Recon ≠ Appeals

Discretionary authority to abate excess tax

TP must provide new information

Use w/SFR or if TP didn't appear at audit

TP filed return with unpaid assessment

Written request

TP must document position at request

Pub 3598 for more info

APPEALS JURISDICTION (p 5)

Voluntary process

TP requests in protest

Pre-assessment: Federal income, profits, estates/gift, employment and certain tax liabilities, along with additions to tax (civil penalties)

APPEALS JURISDICTION

Post-assessment penalties (reasonable cause determination)

Collection actions (liens, levies, seizures, IA determinations, and rejected OIC)

Jeopardy levies

APPEALS JURISDICTION

§7430 Administrative cost claims

**§6672 Trust fund recovery penalty
imposition**

**APPENDIX C: LETTERS AND NOTICES THAT
OFFER AN APPEALS OPPORTUNITY**

EXHAUSTING ADMINISTRATIVE REMEDIES

Some IRC sections require exhausting all administrative remedies, which includes Appeals conference (or making request):

- §6673 sanctions**
- §7430 award of costs**
- §7491 shift burden of proof to IRS**

EXHAUSTING ADMINISTRATIVE REMEDIES

**Appeals conference may be denied if <
than 9 months remains on SOL**

**... but it's enough to make the request for
this purpose**

APPEALS ADVANTAGE RISK (p 6)

Less expensive to resolve at lowest level

See strength of government's case

May get more favorable settlement than possible in Exam

Filing protest allows more time and opportunity to negotiate

Discovery process is informal – easier to get information than in court

Whipsaw case may have more flexibility

APPEALS ADVANTAGE RISK

May raise new issue

- **Any issues contrary to previously taken**
- **Appeals policy not to raise unless clearly wrong, substantial and material tax liability**

Penalty/Interest ▲

Time/energy to appeal

Cost of representative

APPEALS EMPLOYEES (p 7)

Appeals Officers or Settlement Officers

often CPAs or attorneys

**with highest level of technical training
available in IRS**

they know tax law!

many resources available to them

APPEALS EMPLOYEES

Campus Specialization Initiative

- **IRS moved appeals work to campus locations**
- **Lower level Appeals employees not as well trained/educated**
- **Must request face-to-face**

EX PARTE

**... communications prohibited between Appeals and Exam employees
can't discuss case merits
TP or rep demeanor/credibility**

OK to have ministerial, administrative, or procedural discussions

MINISTERIAL ACT

... procedural or mechanic act that **does not involve the exercise of judgment or discretion ...**

that occurs while processing TP's case after all discretionary decisions occurred

EX PARTE

**If TP/REP refuses to attend meeting, no
ex parte prohibition**

No sanctions even if violated!

**Prohibited communication occurred in
Robert v United States, 8th Circuit
(4/24/04) BUT Congress did not
provide for sanctions in RRA98**

EXAM APPEAL ISSUES (p 8)

Exam employees only allowed to determine factual issues

AO gives fresh look

Evaluates hazards of litigation

UNAGREED EXAM ISSUES

If TP disagrees with exam:

If in IRS office, immediately request meeting with manager

If exam not in IRS office, or still unresolved after meeting with manager, IRS prepares report to district office - TP is invited to Appeals

UNAGREED EXAM ISSUES

Soon after closing conference TP gets package with:

- 30 day letter – notice right to appeal
- Copy of examination report
- Agreement or waiver form
- *Pub 5, Your Appeal Rights*

PRELIMINARY NOTICE

... of the Proposed Deficiency is also known as a 30 day letter

Why??

Gives TP 30 days to appeal the decision by requesting Appeals conference

PRACTICE NOTE

Signing the exam report or waiver form indicates TP agrees to proposed changes ...

No further administrative or judicial process available!

Be careful what you sign for client ...

PROTEST

When TP and IRS do not agree ...

TP may file a protest to Appeals for their consideration of the issue

30 days to request

PROTEST

Oral request for less than \$2,500

**Brief written statement for field
examinations \$2,500 to \$10,000**

**Written protest required for field
examinations > \$10,000**

PROTEST (p 9)

Written protest required:

- **employee plan/exempt organization**
- **Partnership**
- **S cases, AND**
- **others**

... UNLESS it qualifies for small case request

PRACTICE NOTE

Recommend all Representative-prepared protests be in writing

Use Form 12203 or by letter

Verbal protests can be overlooked

PROTEST

**No specific form BUT specific info
required for valid protest (see p 8-9)**

TP signs under penalties of perjury

Rep signs under penalties of perjury

PROTEST (p 10)

Must be filed in duplicate

Use notice date NOT date received

Can get an extension – request ASAP

Protest reviewed by examining agent

PROTEST

**Administrative file is assembled,
forwarded to Appeals w/docs and work
papers**

AO makes preliminary review of case

**AO is NOT an investigator – if case is
inadequate, goes back to Exam for
further factual development**

PRACTICE NOTE

Protest is on top of file ... first TP-prepared document AO sees ... do NOT rely on IRS's statement ... focus on facts, oversights, applicable law from TP's view ... positive language

Make it persuasive

Structure protest to show the issue is hazardous for the IRS to litigate

PROTEST

Some effort must be made!!

**Not enough to say
“unagreed and protested”**

But ... bare bones or fully developed?

BARE BONES PROTEST

**Minimal basis in fact and law to preserve
TP's appeal rights**

**Be prepared with research and facts
before the appeals conference**

**See p 10 for example
APPENDIX A (page 30)**

FULLY DEVELOPED PROTEST

**Solid statement of facts and law in the
protest lay out TP's case
establish credibility ...**

**See p 10-11 for example
APPENDIX B, PENALTY**

SMALL CASE (p 12)

Most cases total \leq \$25,000 tax/penalty

OIC = tax, penalty and interest due

Must be in writing and include:

- **Request for Appeals consideration**
- **Changes TP does not agree with**
- **Reasons why TP does not agree**

OVERVIEW APPEALS CONFERENCE

Informal conference

No formal evidence rules followed

**Rep and IRS discuss pros & cons of the TP's
position to resolve**

May be in person or by telephone

TP presents case first

No testimony is taken under oath

**Appeals may require TP sign under penalty of
perjury**

OVERVIEW APPEALS CONFERENCE

AO follows the law

**Must protect the government's rights and be
Service advocate**

Remember the hazards of litigation!

> 85% exam resolved in Appeals

AO PREPARATIONS

AO Receives the protest/administrative file and:

- **evaluates the case facts;**
- **evaluates evidence quality & admissibility;**
- **evaluates the IRS's position;**

AO PREPARATIONS

**Receives the protest/administrative file
and:**

- **investigates possible conflicting results in the various courts with jurisdiction; AND**
- **evaluates the hazards of litigation**

PLANNING TO REPRESENT (p 13)

- **Accept client?**
- **Form 2848/POA + engagement letter & retainer**
- **Get IRS notices and transcripts**
- **Get client records and obtain missing info**
- **Make privileged files**
- **Research**
- **Assess client's exposure/strategy**
- **Formulate arguments**
- **Prepare Protest**
- **Prepare conference**
- **Meet with AO**
- **Client communication**
- **Closing strategy**

PRACTICE NOTE

AO has role in process – so do Reps

Make it easy for AO to agree ...

have a clear, strong presentation

Promptly follow-up with requests

Be courteous/professional

PREPARING FOR CONFERENCE

Lead with settlement offer that allows for negotiations

... one that is a good faith attempt to resolve the issue

If not accepted – ASK AO!

PREPARING FOR CONFERENCE

Goal is to settle case

NOT to win at all costs!

RETURN TO EXAM (p 14)

If case not fully developed

Or TP presents new evidence

... can be referred back to Exam

probably the same examiner

AO has some discretion

COLLECTION APPEAL RIGHTS

Challenge many IRS proposed collection activities in CDP or CAP

Collection Due Process (CDP)

Collection Appeal Rights (CAP)

PRACTICE NOTE

**Changes in financial condition can
change outcome of collection appeal**

**Make sure TP understand they must
maintain current financial records and
must communicate with you**

CDP HEARING (p 15)

Available for lien and levy notices

Form 12153 requests CDP - 30 days

Statutory period – no more time!

Only one hearing for each notice

Tax Court hears all CDP hearings

UNTIMELY CDP REQUEST

... TP may get equivalent hearing (now must request w/in 1 year)

... collection not suspended

... no TC judicial review

Statute not tolled, so may be desirable

CDP ISSUES AVAILABLE

Appropriateness of collection actions

Other alternatives (IA or OIC)

Appropriate spousal defenses

**Whether tax is due IF no deficiency
notice issued or other opportunity
given**

DEFENSES TO THE LEVY

- **OIC**
- **liability amount wrong**
- **spousal defenses (§6015)**
- **penalties wrong**

Always request IA to preserve that option

CDP BASICS (p 16)

**Unless jeopardy, no IRS levy action w/in
30 days of levy notice**

Timely appeal stops collection activity

Collection SOL suspended

EFFECTIVE 3/23/10

If F/S (Form 433) is not submitted with CDP request, TP is NOT eligible for transfer to local Appeals office for face-to-face hearing

DISQUALIFIED EMPLOYMENT TAX LEVIES (DETL) (p 16)

Change for CDPs related to employment tax liabilities served on or after 9/22/07

IRS can levy to collect employment taxes without first giving a taxpayer a pre-levy CDP notice if the levy is a “disqualified employment tax levy (DETL).”

DISQUALIFIED EMPLOYMENT TAX LEVIES (DETL)

A DETL is a levy to collect a TP's employment tax liability if the TP, or a predecessor, requested a CDP hearing under §6330 for unpaid employment taxes arising in the two year period prior to the beginning of the taxable period for which the levy is served.

DISQUALIFIED EMPLOYMENT TAX LEVIES (DETL)

Equivalent hearing or untimely CDP requests do not satisfy the requirement of having had a prior hearing request and cannot be used as a basis for a DETL

DISQUALIFIED EMPLOYMENT TAX LEVIES (DETL)

EXAMPLE 1: TP owes 05-4 and requests a timely CDP levy hearing. TP accrues additional employment tax liability for the quarter ended 6/30/06.

The additional liability qualifies for a DETL levy because a prior levy hearing was requested for a quarter (2005-4) within the 2 year look back period (4/1/04-4/1/06).

Remember, the DETL was served for quarter 2006-2, so 4/1/06 begins that look back period.

DISQUALIFIED EMPLOYMENT TAX LEVIES (DETL)

EXAMPLE 2: TP owes 06-1 and requests a timely CDP hearing. TP is assessed additional employment tax liability for the quarter ended 12/31/05.

The additional liability does NOT qualify for DETL levy because TP requested a prior levy hearing for a quarter (2006-1) that is outside the two year look back period (10/1/03-4/1/06).

Here the DETL is served for 2005-4, so 10/1/05 begins that look back period.

CDP & TAX COURT (p 17)

**Almost always most frequently litigated
in Federal courts since 2003**

**Often frivolous – now treated as if the
CDP was never submitted and is not
subject to further administrative or
judicial review**

**No face-to-face granted if TP only raises
frivolous issues**

FRIVOLOUS ARGUMENTS

- 1) IRS notices invalid - not signed under penalties of perjury
- 2) an AO doesn't meet §6330(1) requirement
- 3) a “procedurally proper” Notice and Demand for Payment was not issued
- 4) TP are entitled to an examination interview or administrative appeal

NOT GOING TO PREVAIL WITH THESE!

REBUT FRIVOLOUS

Documents arising under §6065 requiring signature under penalty of perjury refer to TP's signature, not IRS signature

Certified copies of Forms 4340 are enough to show the TP properly assessed and notices properly made

Form 4340 provides presumptive proof

REBUT FRIVOLOUS

**AO only required to verify that
assessment was made; do not have to
provide to TP**

**Prior to issuance of notice of deficiency
TPs have no right to an examination
interview or an administrative appeal**

**IRS can use a computer generated
Revenue Accounting Control System
Report (RACS 006) instead of Form
23C**

CDP

No opportunity to raise liability in CDP hearing if a notice of deficiency was issued or there was a previous opportunity to raise the issue

Noncompliant TPs do not fare well

Favorite case – TP claimed statements of balance due weren't adequate notice because they said "please"

CAP HEARING (p 18)

Collection Appeals Program

Generally quicker

**Available for more collection actions than
CDP**

No judicial review possible

Does NOT toll SOL

COLLECTION APPEAL RIGHTS

CAP can challenge lien, levy, seizure of property, denial or termination of IA

Appeal by phone if collection contact is IRS notice or phone call

Appeal by conference with Collection manager if RO has been in contact with TP – use Form 9423 to request appeal

COLLECTION APPEAL RIGHTS

For denial or termination of IA the IRS cannot levy until 30 days after its action

If TP files an appeal all levy action must stop until appeal is completed

Disadvantage: group mgr contact and short time frame to file

SETTLEMENT AGREEMENTS (p 19)

AO can split/trade issues if substantial uncertainty exists about either law or facts

BUT

AO cannot settle a case on nuisance value alone (generally 10-15%)

MUTUAL CONCESSION SETTLEMENT

Uncertainty about court interpretation

Form 870-AD used instead

Contains pledge not to reopen issues

**Running of interest not suspended until
30 days after agreement is executed by
government – valid only after signed**

SPLIT ISSUE SETTLEMENT

There is uncertainty about facts or law or both

Can be \$\$ or % of amount in controversy

Use only when no other method of settlement

NUISANCE SETTLEMENT

Specifically prohibited ...

**May be used to consider minor items
once critical issues are decided**

Will not concede frivolous

SETTLEMENT AGREEMENTS

Settlement may occur on some, all or none of issues – AO has flexibility

If all agreed: TP asked to sign Form 870
Waiver of Restrictions on Assessment
– effective when IRS receives the form

Interest is suspended for 30 days after form is received

870-AD

870-AD pledge not to reopen

Interest continues to run

Valid only after accepted by IRS

**Will not be reopened unless suspicion of
fraud, concealment, misrepresentation,
but still must be approved**

Executed 870-AD affects judicial rights

AFTER SETTLEMENT (p 20)

Settlements reviewed by supervisor or others

AO prepares transmittal memo about settlement

If refund more than \$2 million must go to Joint Committee on Taxation

SETTLEMENT OFFERS

... may be withdrawn at any time prior to being accepted

... may be for limited time only

Do not delay if an acceptable offer is made for your client

IF TAXPAYER AGREES...

... TP can sign the report

... pay the tax

... file claim for refund later, if appropriate

IF TAXPAYER UNAGREED ...

**... express disagreement and wait for
Notice of Deficiency**

OR

**... ignore Appeals and wait for Notice of
Deficiency**

PRACTICE NOTE

Discuss settlement with the client BEFORE meeting w/Appeals

Strategy: have check ready if client willing to settle for a set amount

Or get specific settlement authority; defer to client if can't agree w/AO

CLOSING AGREEMENT (p 21)

§7121 authorizes IRS to enter into an agreement in writing to close the tax liability for any period

Used sparingly

Done where there is an advantage to having the case permanently closed

COLLATERAL AGREEMENT

... covers matters related to a tax controversy but collateral to the amount of tax – one sided agreement – does not bind IRS

Example: Beneficiary to use the same valuation for income tax as for estate tax purposes

ALTERNATE DISPUTE RESOLUTION

**Mediation – optional, available with
limited number of open items –
mediator helps parties reach their own
settlement**

Arbitration – voluntary, binding

ARBITRATION

**Generally with limited number of issues
Or after unsuccessful closing agreement,
certain OICs or TFRP**

**Arbitrators come from within Appeals or
national/local organization with roster
of neutral – may want to pay (conflict?)**

Not available for all issues

FAST TRACK SETTLEMENT SBSE (p 22)

Generally FTS is available for cases under SB/SE jurisdiction if:

- issues are fully developed;**
- TP has stated a position in writing (or filed a small case request for cases in which the total for any tax period is less than \$25,000); AND**
- limited number of unagreed issues.**

NO FTS POSSIBLE

- **CAP, CDP, OIC and TFRP;**
- **Correspondence examination cases worked solely in a Campus/Service center;**
- **Cases in which the TP failed to respond to Service communications and no documentation has been previously submitted for consideration by Compliance;**

NO FTS POSSIBLE

- **Issues designed for litigation;**
- **Issues for which TP submitted request for competent authority**
- **Frivolous issues**
- **Whipsaw issues**
- **Those identified by Chief Counsel as excluded**

NO FTS POSSIBLE

If one issue is deemed ineligible, all issues in the case are ineligible for FTS

FAST TRACK MEDIATION (p 23)

Mediate using AO

Resolve w/in 40 days

Written position (not protest)

Most nondocketed qualify but some excluded

All decision makers must be there

Can withdraw anytime/retain appeal rights

EARLY REFERRAL

Any TP may request Appeals works on specific issues while Exam audits the return

Referral must be

(1) fully developed, AND

(2) TP/IRS must agree to it

NO EARLY REFERRAL

Whipsaw situations

**Issues designated for litigation by the
Office of Chief Counsel**

**Issues for which TP filed request for
competent Authority Assistance (but
can simultaneously consider issue)**

EARLY REFERRAL DETAILS

**TP requests – notified w/in 14 days if denied –
no formal appeal rights but conference to
discuss**

**IRS prepares form for each early referral item –
TP must respond to each adjustment**

If agreement reached, all OK

**If no agreement, Appeals will not reconsider
unagreed early referral issue unless big
change in circumstances**

POST APPEALS MEDIATION

Extension of Appeals process; mediator helps resolve disputes.

Request after Appeals has considered issue or while TP is in Appeals a qualifying issue.

Not available for docketed cases

Available factual or legal issues

No dollar limits

PRECEDENT AND APPEALS (p 25)

**Determined by TP's legal residence when
Tax Court petition filed**

***Golsen* rule**

Look for cases that support position

Distinguish opposing cases

JOINT/SEVERAL LIABILITY (p 25)

MFJ = each jointly/severally **liable for the ENTIRE amount of tax due ... even if one spouse is unaware of what is or is not on the return ... OR the other spouse earned all of the money**

For tax on the filed return and later deficiencies ...

REQUEST FOR RELIEF

New Rev Proc 2013-34 gives info
equitable relief requests

... starts with Form 8857 filed with IRS

IRS considers relevant info from both
requesting and nonrequesting parties
and issues a Notice of Determination

Either requesting or nonrequesting
spouse may file a written protest and
have an Appeals conference

INTERVENOR

IRS must notify nonrequesting spouse

**Nonrequesting can provide information
to IRS**

**IRS must consider all relevant info
submitted**

IRS RESPONSE

When relief is **DENIED** in full or part,
notice sent to the requesting spouse

When relief is **GRANTED** in full or part,
notice is also sent to the
nonrequesting spouse ... can protest

Requesting spouse - **Appeal rights when
DENIED**

Nonrequesting spouse - **Appeal rights
when GRANTED** (no Tax Court)

POST ASSESSMENT PENALTY

... are assessed without deficiency procedures

Appeal available for virtually all penalties that can be avoided with reasonable cause showing

Appeal is after assessment, before collection

POST ASSESSMENT PENALTY

**AO usually handles most complex
reasonable cause determinations**

AO considers hazards of litigation

Appeals has 90 days to resolve

Most resolved in writing or by phone

FRAUD PENALTY

Civil: AO authority for nondocketed cases and while appeals has authority on docketed case – can partially concede the 75% penalty

Criminal: AO only has authority to concede/eliminate as instructed by area counsel

TFRP

**100% penalty for failure to payover
collected/withheld funds from others**

**Must be responsible person & willfully
failed to collect or pay over the trust
fund**

Unless jeopardy, 60 days to respond

PRACTICE NOTE

**Carefully examine each quarter as TP
circumstances may change during the
year**

AFTER APPEALS? (p 27)

**If no agreement or TP doesn't respond,
IRS issues notice of deficiency ...**

Or IRS issues notice of determination ...

NOTICE OF DEFICIENCY

No required format

**Not all demands for money give
jurisdiction**

AKA 90 day letter – to Tax Court

No extensions of time permitted

Do NOT eliminate deficiency too soon!!!

NOTICE OF DETERMINATION

Non-exam cases generally

CDP limited to administrative record

WHY GO TO TAX COURT?

No need to prepay tax

No trial by jury

Judges are experts in tax law

Restricted discovery

Generally less formal/less expensive

Small case procedure

BASIC TAX COURT JURISDICTION

**Notice of Deficiency
AND
Timely Filed Petition
(usually 90 days)**

BASIC TAX COURT JURISDICTION

Notice of Determination

AND

Timely Filed Petition

(30 days)

FOR CDP

De novo review if underlying liability at issue

Abuse of discretion otherwise