

No. 20-110

IN THE
Supreme Court of the United States

JACK S. KANNRY, JOYCE F. KANNRY,

Petitioners,

—v.—

COMMISSIONER OF INTERNAL REVENUE,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE SECOND CIRCUIT

PETITION FOR REHEARING

JACK S. KANNRY
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PETITION FOR REHEARING

Rule 44 Limited Grounds

Pursuant to Rule 44.2 and referenced Rule 44.1, petitioners seek rehearing of the Court's October 5, 2020 order denying their certiorari petition (Appx. A). Briefly and distinctly stated, the grounds for this petition are substantial grounds not previously fully and properly presented, as well as intervening circumstances of a substantial effect.

Preliminarily, as noted during the recent U.S. Senate Judiciary committee hearings for Supreme Court nominee Judge Barrett, since confirmed as an Associate Justice of this Court, the Founders intended that this Court tell us what the law is and not what it should be. In that context, the initial denial of a certiorari petition is not necessarily a determination on the merits as to what the law of the case is found to be, but rather discretionary in nature, largely based on the Court's limited time and resources to substantively address all such petitions, i.e., only about 80 such petitions are granted annually from the 8,000 or more submitted.

Specific Grounds for This Rehearing Petition

The principal focus in this petition is on the IRS filing of a federal tax lien against petitioners' 2011 tax year (Appx. B, March 10, 2016 NFTL filing), which is replete with errors, some of which were actually conceded by the IRS and partially recognized in the courts below. However, the significant prejudicial effects on these petitioners, as well as likely many other taxpayers, as coded victims of federally declared disasters, were acknowledged. Although that NFTL also included improper

entries for tax years 2012-2014, unrelated to the issues as to 2011, they are not addressed in any detail herein, due to the limitations for a rehearing petition.

Petitioners, like many other taxpayers, suffered substantial residence damages from Hurricane Sandy, inadequately recompensed by flood insurance. Pursuant to applicable statutory authority, permitting income tax relief for such victims of a federally declared disaster (Appx. C, Stafford Act; Appx. D, 26 U.S. Code § 165 and 26 CFR 1.165-11), petitioners filed a 2011 amended return (Appx. E), totally in accord with IRS instructions (Appx. F), mandating integration of the amended taxes with those set forth in the originally filed return. “[a] question as to the meaning of a taxing act [is] to be read in favor of the taxpayer.” Int’l. Harvester Credit Corp. v. Goodrich, 350 U.S. 537, 547 (1956). The casualty tax loss set forth in the amended return was audited and initially denied by the IRS local office, but it never issued a required notice of deficiency, Fayeghi v. United States, 400 U.S. 517, 534 (1971), which would have permitted petitioners to challenge such loss denial in Tax Court (Appx. G, 26 U.S.C. § 6212; Appx. H, 26 U.S.C. § 6213).

Instead, the IRS advised it was closing the file, since petitioners declined to extend the three year period for assessment of further taxes under the amended return (Appx. I, May 28, 2015 IRS letter). Although IRS counsel and IRS filings in this matter belatedly recognized that a notice of deficiency was required and should have been issued, it never was. Since the statute of limitations for any deficiency assessment of taxes against the amended 2011 return has long since expired (Appx. K, 26 U.S. Code § 6501(a)), that amended return, for which all taxes were paid, remains intact as filed.

Curiously, the 2011 amended return, and its effect on taxes for that year, is not at all reflected on the filed NFTL, nor even addressed by the Court below. It is reasonable to expect similar erroneous treatment by the IRS for many other taxpayers afflicted by federally declared disasters, and hence the indicated nationwide importance for consideration here.

Intervening Circumstances of a Substantial Effect

In a one sentence document dated August 26, 2020, almost a month following the certiorari petition filing, counsel for the IRS commission asserted that “[t]he Government hereby waives its right to file a response to the petition in this case, unless requested to do so by the Court.” (Appx. J). The fact that this Court made no such request prior to denying the petition is indicative of no consideration on the merits, but rather a discretionary determination based on the sheer volume of such petitions, as previously discussed.

As to the substantial effect of this IRS non-response, it was well aware of the facts and supporting law in the underlying petition, much of which arises from IRS errors, some actually conceded by the IRS, albeit characterized as “harmless error”, without any recognition of the substantial prejudice caused to petitioners. Principal among these, which would also be expected to similarly prejudice the many other taxpayer victims of federally declared disasters throughout the nation, are as follows:

- The absolute refusal to recognize the statutorially authorized filing of an amended tax return by taxpayer victims of a federally declared disaster, to

reflect resultant casualty losses, including no consideration of petitioners' amended return for 2011 in the subject NFTL filed by the IRS.

- Following the IRS local office denial of petitioners' casualty loss deduction in their amended return, a refusal to permit any appellate challenge in the absence of a consent to a time extension for IRS assessment of tax against the filed amended return, and instead a "closing" of the file, thereby permanently precluding any petitioners' challenge to their casualty loss denial.
- Failure of the IRS to transmit a deficiency notice as the appropriate first step in seeking a deficiency assessment, which would then have enabled petitioners to seek redress in Tax Court, which failure the IRS conceded was error, belatedly years after the fact.
- Passage of the three year statute of limitations for any IRS deficiency assessment (Appx. K, 26 U.S. Code § 6501(a)), thereby rendering the amended tax return as filed fully intact, albeit ignored by the IRS and the court below, but most certainly rendering the NFTL as filed totally invalid as to 2011.
- As to tax years 2012-2014, the assigned local IRS offices have expressly advised that assessment issues raised by petitioners were still under consideration, thereby rendering any collection activities, such as the filed NFTL, as being wholly premature.

Overarching Principles of Codified Taxpayer Bill of Rights Honored in Breach by IRS

The long-standing IRS publication 1 (Appx. L), The Taxpayer Bill of Rights, which all taxpayers regularly receive from that agency to provide guidance as to IRS practice principles in its addressing of taxpayer rights, has been codified by Congress (26 U.S.C. § 7803(a)(3)) as binding statutory authority.

This document is particularly telling when one considers the accompanying IRS expression of intent to impart an image of high quality professionalism, timely and substantive responses to inquiries, appellate rights and other relevant provisions, upon which petitioners and millions of other American taxpayers have relied and must continue to do so. Donaldson v. United States, 400 U.S. 517, 534 (1971). This is especially true for IRS coded victims of Hurricane Sandy and other prior and likely future federally declared disasters.

Sadly, here, such IRS obligations were significantly ignored in this case, with the principal such prejudicial errors previously discussed herein. Perhaps even more importantly, in the context of this proceeding, is that similar IRS conduct would be expected in taxpayer cases across the nation.

CONCLUSIONS

Upon the rehearing of a certiorari denial, the Supreme Court may, in the exercise of its broad discretion, grant certiorari, vacate the judgment below and remand to that court for reconsideration (“GVR”), consistent with the concerns expressed by this Court. In this instance, the clear invalidity of the IRS filed federal tax lien as to 2011 and the premature filing as to tax years 2012-2014, still

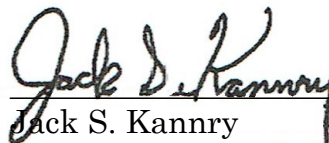
in the assessment phase and not yet ripe for a collection activity, such as an NFTL for that tax lien filing, would appear appropriate for a GVR.

This case involves a review worthy issue, which petitioners believe constitutes a legal claim that should be of interest to the Supreme Court, as encompassing clear statutory violations by the IRS, such as its belated recognition of failure to issue a requisite notice of deficiency, thereby depriving petitioners of any appellate basis to challenge a large casualty loss as a federally declared disaster victim; and its failure to recognize the passage of the three year assessment statute of limitations, thereby rendering the 2011 filed amended tax return fully intact, but not even mentioned in the subject IRS NFTL.

Finally, such glaring IRS breaches as to petitioners would reasonably be expected to impact many other taxpayers, past, present and future, likely subjected to comparable IRS conduct. That unconscionable conduct should not be condoned by this Court. Massachusetts v. Environmental Protection Agency, 5499 U.S. 497, 505-06 (2007).

Dated: New York, NY
October 29, 2020

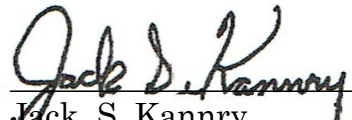
Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Jack S. Kannry", is written over a horizontal line.

Jack S. Kannry
Counsel of Record for Petitioners
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Attorney for Petitioners

CERTIFICATE OF COUNSEL

As counsel for petitioners, I hereby certify that this Petition for Rehearing is presented in good faith and not for delay and is restricted to the grounds specified in Supreme Court Rule 44.2.



Jack S. Kannry
Counsel of Record for Petitioners

APPENDIX

Case 19-494, Document 106, 10/05/2020, 2945478, Page1 of 1

**Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001**

Scott S. Harris
Clerk of the Court
(202) 479-3011

October 5, 2020

Clerk
United States Court of Appeals for the Second
Circuit
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: Jack S. Kannry, et ux.
v. Commissioner of Internal Revenue
No. 20-110
(Your No. 19-494)

Dear Clerk:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied.

Sincerely,

A handwritten signature in dark ink, appearing to read "Scott S. Harris", written in a cursive style.

Scott S. Harris, Clerk

2016 03/10/2016

Department of the Treasury
Internal Revenue Service

CERTIFIED MAIL

CCP-LU ACS CORRESPONDENCE

P.O. BOX 145566, STOP 8136 CSC
CINCINNATI, OH 45250-5566

9307110756602324304478

Letter Date: 03/10/2016

Taxpayer Identification Number:
XXX-XX-6237Person to Contact:
P.A. BELTONContact Telephone Number:
(800) 829-3903Employee Identification Number:
21-08BR00JACK S & JOYCE F KANNRY
515 E 79TH ST PH B
NEW YORK, NY 10075-0781

004:3

Notice of Federal Tax Lien Filing and Your Right to a Hearing Under IRC 6320

Dear JACK S & JOYCE F KANNRY

We filed a Notice of Federal Tax Lien on 03/10/2016 .

Type of Tax	Tax Period	Assessment Date	Amount on Lien
1040	12/31/2014	12/07/2015	32281.77
1040	12/31/2011	12/17/2012	.00
1040	12/31/2011	07/27/2013	59074.93
1040	12/31/2013	12/08/2014	15078.53
1040	12/31/2012	12/09/2013	14001.89

NOTE: Please contact the person whose name and telephone number appears on this notice to obtain the current amount you owe. Additional interest and penalties may be increasing the amount on the lien shown above.

A lien attaches to all property you currently own and to all property you may acquire in the future. It also may damage your credit rating and hinder your ability to obtain additional credit.

You have the right to a hearing with us to appeal this collection action and to discuss your payment method options. To explain the different collection appeal procedures available to you, we have enclosed Publication 1660, Collection Appeal Rights.

You must request your hearing by 04/18/2016 . Please complete the enclosed Form 12153, Request for a Collection Due Process or Equivalent Hearing, and mail it to:

Internal Revenue Service
IRS-ACS/CDP
P.O. BOX 42346
PHILADELPHIA, PA 19101-2346Letter 3172 (DO) rev. (3-2005)
Catalog No. 287671

29-2

Form 668 (Y)(c)
(Rev. February 2004)

1872

Department of the Treasury - Internal Revenue Service

Notice of Federal Tax Lien

Area:
SMALL BUSINESS/SELF EMPLOYED AREA #1
(800) 829-3903

Serial Number

201095516

For Optional Use by Recording Office

As provided by section 6321, 6322, and 6323 of the Internal Revenue Code, we are giving a notice that taxes (including interest and penalties) have been assessed against the following-named taxpayer. We have made a demand for payment of this liability, but it remains unpaid. Therefore, there is a lien in favor of the United States on all property and rights to property belonging to this taxpayer for the amount of these taxes, and additional penalties, interest, and costs that may accrue.

Name of Taxpayer

JACK S & JOYCE F KANNRY

• This Notice of Federal Tax Lien has been filed as a matter of public record.

• IRS will continue to charge penalty and interest until you satisfy the amount you owe.

• Contact the Area Office Collection Function for information on the amount you must pay before we can release this lien.

• See the back of this page for an explanation of your Administrative Appeal rights.

Residence

515 E 79TH ST PH B
NEW YORK, NY 10075-0781

IMPORTANT RELEASE INFORMATION: For each assessment listed below, unless notice of the lien is refiled by the date given in column (e), this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6325(a).

Kind of Tax (a)	Tax Period Ending (b)	Identifying Number (c)	Date of Assessment (d)	Last Day for Refiling (e)	Unpaid Balance of Assessment (f)
1040	12/31/2011	XXX-XX-6237	12/17/2012	01/16/2023	
1040	12/31/2011	XXX-XX-6237	07/27/2015	08/26/2025	\$9074.93
1040	12/31/2012	XXX-XX-6237	12/09/2013	01/08/2024	14001.89
1040	12/31/2013	XXX-XX-6237	12/08/2014	01/07/2025	15078.53
1040	12/31/2014	XXX-XX-6237	12/07/2015	01/06/2026	\$2231.77

Place of Filing

Register Office
New York County
New York, NY 10038

Total

120437.12

This notice was prepared and signed at MANHATTAN, NY, on this,the 01st day of March, 2016.

Signature

for P.A. BELTON

Title

ACS SBSE
(800) 829-3905

21-00-0008

(NOTE: Certificate of officer authorized by law to take acknowledgment is not essential to the validity of Notice of Federal Tax Lien
Rev. Rul. 71-466, 1971-2 C.B. 409)

Part 3 - Taxpayer's Copy

CAT. NO 60025X
Form 668 (Y)(c) (Rev. 02-04)

LII > U.S. Code > Title 42. THE PUBLIC HEALTH AND WELFARE
> Chapter 68. DISASTER RELIEF
> Subchapter I. FINDINGS, DECLARATIONS, AND DEFINITIONS
> **Section 5121. Congressional findings and declarations**

42 U.S. Code § 5121. Congressional findings and declarations

U.S. Code Notes

(a) The Congress hereby finds and declares that—

(1) because disasters often cause loss of life, human suffering, loss of income, and property loss and damage; and

(2) because disasters often disrupt the normal functioning of governments and communities, and adversely affect individuals and families with great severity;

special measures, designed to assist the efforts of the affected States in expediting the rendering of aid, assistance, and emergency services, and the reconstruction and rehabilitation of devastated areas, are necessary.

(b) It is the intent of the Congress, by this chapter, to provide an orderly and continuing means of assistance by the Federal Government to State and local governments in carrying out their responsibilities to alleviate the suffering and damage which result

from such disasters by—

- (1) revising and broadening the scope of existing disaster relief programs;
- (2) encouraging the development of comprehensive disaster preparedness and assistance plans, programs, capabilities, and organizations by the States and by local governments;
- (3) achieving greater coordination and responsiveness of disaster preparedness and relief programs;
- (4) encouraging individuals, States, and local governments to protect themselves by obtaining insurance coverage to supplement or replace governmental assistance;
- (5) encouraging hazard mitigation measures to reduce losses from disasters, including development of land use and construction regulations; and
- (6) providing Federal assistance programs for both public and private losses sustained in disasters ^[1]

(Pub. L. 93-288, title I, § 101, May 22, 1974, 88 Stat. 143; Pub. L. 100-707, title I, § 103(a), Nov. 23, 1988, 102 Stat. 4689.)

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LII > U.S. Code > Title 26. INTERNAL REVENUE CODE
> Subtitle A. Income Taxes > Chapter 1. NORMAL TAXES AND SURTAXES
> Subchapter B. Computation of Taxable Income
> Part VI. ITEMIZED DEDUCTIONS FOR INDIVIDUALS AND CORPORATIONS
> **Section 165. Losses**

26 U.S. Code § 165 - Losses

U.S. Code Notes

(i) DISASTER LOSSES

(1) ELECTION TO TAKE DEDUCTION FOR PRECEDING YEAR

Notwithstanding the provisions of subsection (a), any loss occurring in a disaster area and attributable to a federally declared disaster may, at the election of the taxpayer, be taken into account for the taxable year immediately preceding the taxable year in which the disaster occurred.

(2) YEAR OF LOSS

If an election is made under this subsection, the casualty resulting in the loss shall be treated for purposes of this title as having occurred in the taxable year for which the deduction

is claimed.

(3) AMOUNT OF LOSS

The amount of the loss taken into account in the preceding taxable year by reason of paragraph (1) shall not exceed the uncompensated amount determined on the basis of the facts existing at the date the taxpayer claims the loss.

(4) USE OF DISASTER LOAN APPRAISALS TO ESTABLISH AMOUNT OF LOSS

Nothing in this title shall be construed to prohibit the Secretary from prescribing regulations or other guidance under which an appraisal for the purpose of obtaining a loan of Federal funds or a loan guarantee from the Federal Government as a result of a federally declared disaster may be used to establish the amount of any loss described in paragraph (1) or (2).

(5) FEDERALLY DECLARED DISASTERS For purposes of this subsection—

(A) In general

The term “Federally ^[1] declared disaster” means any disaster subsequently determined by the President of the United States to warrant assistance by the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

(B) Disaster area

The term “disaster area” means the area so determined to warrant such assistance.

Part I

Section 165.--Losses

26 CFR 1.165-11: Election in respect of losses attributable to a disaster.

(Also § 139, 1033; 1.1033(1)-1.)

Rev. Rul. 2003-29

Under § 165(i) of the Internal Revenue Code, if a taxpayer suffers a loss attributable to a disaster occurring in an area subsequently determined by the President of the United States to warrant assistance by the Federal Government under the Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5204c (1988 & Supp. V 1993) (the Act), the taxpayer may elect to claim a deduction for that loss on the taxpayer's federal income tax return for the taxable year immediately preceding the taxable year in which the disaster occurred. For purposes of § 165(i), a disaster includes an event declared a major disaster or an emergency under the Act.

Section 1.165-11(e) of the Income Tax Regulations provides that the election to deduct a disaster loss for the preceding year must be made by filing a return, an amended return, or a claim for refund on or before the later of (1) the due date of the taxpayer's income tax return (determined without regard to any extension of time to file the return) for the taxable year in which the disaster actually occurred, or (2) the due date of the taxpayer's income tax return (determined with regard to any extension of time to file the return) for the taxable year immediately preceding the taxable year in which the disaster actually occurred.

The provisions of § 165(i) apply only to losses that are otherwise deductible under § 165(a). An individual taxpayer may deduct losses if they are incurred in a trade or business, if they are incurred in a transaction entered into for profit, or if they are casualty losses under § 165(c)(3).

A determination by the President that an area warrants assistance by the Federal Government under the Act is also

relevant to § 139(a) (regarding the exclusion from gross income of certain qualified disaster relief payments) and § 1033(h) (regarding the deferral of gain realized upon the involuntary conversion of certain property).

The President has determined that, during 2002, the areas listed below have been adversely affected by disasters of sufficient severity and magnitude to warrant assistance by the Federal Government under the Act.

A cumulative list of the areas warranting assistance each year under the Act (beginning in 1998) is available at the Federal Emergency Management Agency (FEMA) Internet site at www.fema.gov. Accordingly, the Internal Revenue Service requests comments regarding the need for future publication of this revenue ruling. Comments should be submitted by May 1, 2003 either to:

Internal Revenue Service
P. O. Box 7604
Ben Franklin Station
Washington, DC 20044
Attn: CC:PA:T:CRU(ITA)
Room 5041

or electronically via the Service internet site at:

Notice.Comments@irs.counsel.treas.gov (the Service comments e-mail address). All comments will be available for public inspection and copying.

FURTHER INFORMATION

For further information regarding this revenue ruling, contact James R. Roy on (202) 622-4950 (not a toll-free call).

NEW YORK / HURRICANE SANDY - OCT. 29, 2012*

Department of the Treasury - Internal Revenue Service

Amended U.S. Individual Income Tax Return

OMB No. 1545-0074

Form **1040X**
(Rev. December 2012) ▶ Information about Form 1040X and its separate instructions is at www.irs.gov/form1040x.

This return is for calendar year ☐ 2012 ☒ 2011 ☐ 2010 ☐ 2009
Other year. Enter one: calendar year or fiscal year (month and year ended):

*** ELECTING TO TREAT LOSS FROM FEDERALLY DECLARED DISASTER IN YEAR PRECEDING OCCURRENCE (2011 RATHER THAN 2012)**

Your first name and initial: **JACK S.** Last name: **KANNRY** Your social security number: **[REDACTED]**
If a joint return, spouse's first name and initial: **JOYCE F.** Last name: **KANNRY** Spouse's social security number: **[REDACTED]**

Home address (number and street). If you have a P.O. box, see instructions. Apt. no. Your phone number
515 EAST 79TH STREET **PH-B** **(212) 984-7120**

City, town or post office, state, and ZIP code. If you have a foreign address, also complete spaces below (see instructions).
NEW YORK, NY 10075

Foreign country name Foreign province/state/county Foreign postal code

Amended return filing status. You must check one box even if you are not changing your filing status.
Caution. In general, you cannot change your filing status from joint to separate returns after the due date.

☐ Single ☒ Married filing jointly ☐ Married filing separately
☐ Qualifying widow(er) ☐ Head of household (If the qualifying person is a child but not your dependent, see instructions.)

Use Part III on the back to explain any changes

Income and Deductions		A. Original amount or as previously adjusted (see instructions)	B. Net change—amount of increase or (decrease)—explain in Part III	C. Correct amount	
1	Adjusted gross income. If net operating loss (NOL) carryback is included, check here	1	423,451	0	423,451
2	Itemized deductions or standard deduction	2	249,714	+114,944	364,658
3	Subtract line 2 from line 1	3	173,737	-114,944	58,793
4	Exemptions. If changing, complete Part I on page 2 and enter the amount from line 30	4	7,400	0	7,400
5	Taxable income. Subtract line 4 from line 3	5	166,337	-114,944	51,393
Tax Liability					
6	Tax. Enter method used to figure tax: ORIGINAL PER TAX COMPUTATION WORK SHEET; CORRECT AMOUNT PER 2011 TAX TABLE	6	34,644	-27,788	6,856
7	Credits. If general business credit carryback is included, check here	7	0	0	0
8	Subtract line 7 from line 6. If the result is zero or less, enter -0-	8	34,644	-27,788	6,856
9	Other taxes (AMT + SELF-EMPLOYMENT + HOUSEHOLD EMPLOYMENT)	9	48,748	-3,998	38,750
10	Total tax. Add lines 8 and 9	10	83,392	-37,786	45,606
Payments					
11	Federal income tax withheld and excess social security and tier 1 RRTA tax withheld (if changing, see instructions)	11	10,830	0	10,830
12	Estimated tax payments, including amount applied from prior year's return	12	10,000	0	10,000
13	Earned income credit (EIC)	13	0	0	0
14	Refundable credits from Schedule(s) <input type="checkbox"/> 8812 or <input type="checkbox"/> M or Form(s) <input type="checkbox"/> 2439 <input type="checkbox"/> 4136 <input type="checkbox"/> 5405 <input type="checkbox"/> 8801 <input type="checkbox"/> 8812 (2009-2011) <input type="checkbox"/> 8839 <input type="checkbox"/> 8865, ? <input type="checkbox"/> 8885 or <input type="checkbox"/> other (specify):	14	0	0	0
15	Total amount paid with request for extension of time to file, tax paid with original return, and additional tax paid after return was filed	15			3,562
16	Total payments. Add lines 11 through 15	16			24,392
Refund or Amount You Owe (Note. Allow 8-12 weeks to process Form 1040X.)					
17	Overpayment, if any, as shown on original return or as previously adjusted by the IRS	17			0
18	Subtract line 17 from line 16 (if less than zero, see instructions)	18			24,392
19	Amount you owe. If line 10, column C, is more than line 18, enter the difference	19			21,214
20	If line 10, column C, is less than line 18, enter the difference. This is the amount overpaid on this return	20			
21	Amount of line 20 you want refunded to you	21			
22	Amount of line 20 you want applied to your (enter year): estimated tax	22			

Complete and sign this form on Page 2.

For Paperwork Reduction Act Notice, see Instructions. Cal. No. 11390L Form 1040X (Rev. 12-2012)

Part I Exemptions

Complete this part only if you are:

- Increasing or decreasing the number of exemptions (personal and dependents) claimed on line 6d of the return you are amending, or
- Increasing or decreasing the exemption amount for housing individuals displaced by a Midwestern disaster in 2009.

See Form 1040 or Form 1040A instructions and Form 1040X instructions.

		A. Original number of exemptions or amount reported or as previously adjusted	B. Not change	C. Correct number or amount
23	Yoursself and spouse. <i>Caution. If someone can claim you as a dependent, you cannot claim an exemption for yourself.</i>	23		
24	Your dependent children who lived with you	24		
25	Your dependent children who did not live with you due to divorce or separation	25		
26	Other dependents	26		
27	Total number of exemptions. Add lines 23 through 26	27		
28	Multiply the number of exemptions claimed on line 27 by the exemption amount shown in the instructions for line 28 for the year you are amending	28		
29	If you are claiming an exemption amount for housing individuals displaced by a Midwestern disaster, enter the amount from Form 8914, line 6 for 2009	29		
30	Add lines 28 and 29. Enter the result here and on line 4 on page 1 of this form	30		
31	List ALL dependents (children and others) claimed on this amended return. If more than 4 dependents, see instructions.			

(a) First name	Last name	(b) Dependent's social security number	(c) Dependent's relationship to you	(d) Check box if qualifying child for child tax credit (see instructions)
				<input type="checkbox"/>
				<input type="checkbox"/>
				<input type="checkbox"/>
				<input type="checkbox"/>

Part II Presidential Election Campaign Fund

Checking below will not increase your tax or reduce your refund.

- ☐ Check here if you did not previously want \$3 to go to the fund, but now do.
- ☐ Check here if this is a joint return and your spouse did not previously want \$3 to go to the fund, but now does.

Part III Explanation of changes. In the space provided below, tell us why you are filing Form 1040X.

▶ Attach any supporting documents and new or changed forms and schedules.

- LINE 2. ITEMIZED DEDUCTIONS INCREASE OF 114,944 PER FORM 4684 CASUALTY LOSS (HURRICANE SANDY)
- LINE 6. TAX DECREASE OF 27,788 PER APPLICABLE TAX TABLE IN LIEU OF ORIGINAL TAX COMPUTATION WORKSHEET
- LINE 9. OTHER TAXES (AMT, SELF-EMPLOYMENT & HOUSEHOLD EMPLOYMENT) DECREASE OF 9,998 PER AMENDED FORM 6251 REDUCED AMOUNT

Sign Here

Remember to keep a copy of this form for your records.

Under penalties of perjury, I declare that I have filed an original return and that I have examined this amended return, including accompanying schedules and statements, and to the best of my knowledge and belief, this amended return is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information about which the preparer has any knowledge.

Preparer's signature: Jack S. [Signature] Date: 4/21/13 Spouse's signature: Joseph [Signature] Date: 4/21/13

Paid Preparer Use Only

Preparer's signature: _____ Date: _____ Firm's name (or yours if self-employed): _____

Print/type preparer's name: _____ Firm's address and ZIP code: _____

PTIN: _____ ☐ Check if self-employed Phone number: _____ EIN: _____

Form **4684****Casualties and Thefts**

OMB No. 1545-0177

Department of the Treasury
Internal Revenue Service

- ▶ See separate instructions.
▶ Attach to your tax return.
▶ Use a separate Form 4684 for each casualty or theft.

2011 AMENDED
Attachment
Sequence No. 26

Name(s) shown on tax return

JACK S. & JOYCE F. KANNRY

Identifying number

XXXXXXXXXX**SECTION A—Personal Use Property** (Use this section to report casualties and thefts of property not used in a trade or business or for income-producing purposes.)

- 1 Description of properties (show type, location, and date acquired for each property). Use a separate line for each property lost or damaged from the same casualty or theft.

Property A MAIN HOME AT 457 EAST PENN STREET, LONG BEACH, NY 11561 - ACQUIRED MARCH 15, 19Property B CONTENTS IN HOME BASEMENT - ACQUIRED AT VARIOUS TIMES, PREDOMINANTLY SINCE DAMAGE FROM FLOODProperty C FLOOD IN 2005

Property D

		Properties			
		A	B	C	D
2	Cost or other basis of each property	225,000	61,400		
3	Insurance or other reimbursement (whether or not you filed a claim) (see instructions)	33,630	716**		
Notes: If line 2 is more than line 3, skip line 4.					
4	Gain from casualty or theft. If line 3 is more than line 2, enter the difference here and skip lines 5 through 8 for that column. See instructions. If line 3 includes insurance or other reimbursement you did not claim, or you received payment for your loss in a later tax year				
5	Fair market value before casualty or theft	480,000	53,390		
6	Fair market value after casualty or theft	384,000	0		
7	Subtract line 6 from line 5	96,000	53,390		
8	Enter the smaller of line 2 or line 7	96,000	53,390		
9	Subtract line 3 from line 8. If zero or less, enter -0-	62,370	52,674		
10	Casualty or theft loss. Add the amounts on line 9 in columns A through D			115,044	
11	Enter the smaller of line 10 or \$100			100	
12	Subtract line 11 from line 10			114,944	
Caution: Use only one Form 4684 for lines 13 through 18.					
13	Add the amounts on line 12 of all Forms 4684			114,944	
14	Add the amounts on line 4 of all Forms 4684			0	
15	• If line 14 is more than line 13, enter the difference here and on Schedule D. Do not complete the rest of this section (see instructions). • If line 14 is less than line 13, enter -0- here and go to line 16. • If line 14 is equal to line 13, enter -0- here. Do not complete the rest of this section.			0	
16	If line 14 is less than line 13, enter the difference			114,944	
17	Enter 10% of your adjusted gross income from Form 1040, line 38, or Form 1040NR, line 57. Estates and trusts, see instructions. <u>AMICATED FEDERAL LEGISLATION, AS FOR HURRICANE KATRINA, MURDER DEATHS, ETC. IS EXPECTED TO WAIVE THIS DEDUCTION IN LIKE MANNER FOR HURRICANE SANDY</u>			0	
18	Subtract line 17 from line 16. If zero or less, enter -0-. Also enter the result on Schedule A (Form 1040), line 20, or Form 1040NR, Schedule A, line 8. Estates and trusts, enter the result on the "Other deductions" line of your tax return			114,944	

For Paperwork Reduction Act Notice, see instructions.

Cat. No. 12897D

Form 4684 (2011)

* MAILING ADDRESS SHOWN ON FORM 1040X, PAGE 1

** PER FEMA STANDARD FLOOD POLICY, WHICH CONTROLS COMMERCIAL INSURANCE COVERAGE FOR HOMES, BASEMENT CONTENTS ARE LARGELY CONSIDERED NOT INSURED. IN THIS INSTANCE, FINISHED BASEMENT WITH WELL FURNISHED RECREATION ROOM, DEN AND BEDROOM WAS INUNDATED WITH 3 1/2 FEET OF CONTAMINATED OCEAN WATER, SEWAGE BACKUP AND FUEL OIL, RESULTING IN VIRTUALLY ALL FURNITURE AND FINISHINGS BEING NON-SALVAGEABLE.

Form **6251****Alternative Minimum Tax—Individuals**Department of the Treasury
Internal Revenue Service (IRS)

▶ See separate instructions.

▶ Attach to Form 1040 or Form 1040NR.

OMB No. 1545-0074

2011 AMENDEDAttachment
Sequence No. 32

Name(s) shown on Form 1040 or Form 1040NR

JACK S. & JOYCE F. KANNIRY

Your social security number

Part I Alternative Minimum Taxable Income (See instructions for how to complete each line.)

1	If filing Schedule A (Form 1040), enter the amount from Form 1040, line 41, and go to line 2. Otherwise, enter the amount from Form 1040, line 38, and go to line 7. (If less than zero, enter as a negative amount.) (173,741 - 144,944)		58,797
2	Medical and dental. Enter the smaller of Schedule A (Form 1040), line 4, or 2.5% (.025) of Form 1040, line 38. If zero or less, enter -0-	2	10,586
3	Taxes from Schedule A (Form 1040), line 9	3	75,559
4	Enter the home mortgage interest adjustment, if any, from line 6 of the worksheet in the instructions for this line	4	
5	Miscellaneous deductions from Schedule A (Form 1040), line 27	5	
6	Skip this line. It is reserved for future use	6	
7	Tax refund from Form 1040, line 10 or line 21	7	
8	Investment interest expense (difference between regular tax and AMT)	8	
9	Depreciation (difference between regular tax and AMT)	9	
10	Net operating loss deduction from Form 1040, line 21. Enter as a positive amount	10	
11	Alternative tax net operating loss deduction	11	
12	Interest from specified private activity bonds exempt from the regular tax	12	
13	Qualified small business stock (7% of gain excluded under section 1202)	13	
14	Exercise of incentive stock options (excess of AMT income over regular tax income)	14	
15	Estates and trusts (amount from Schedule K-1 (Form 1041), box 12, code A)	15	
16	Electing large partnerships (amount from Schedule K-1 (Form 1065-B), box 6)	16	
17	Disposition of property (difference between AMT and regular tax gain or loss)	17	
18	Depreciation on assets placed in service after 1986 (difference between regular tax and AMT)	18	
19	Passive activities (difference between AMT and regular tax income or loss)	19	
20	Loss limitations (difference between AMT and regular tax income or loss)	20	
21	Circulation costs (difference between regular tax and AMT)	21	
22	Long-term contracts (difference between AMT and regular tax income)	22	
23	Mining costs (difference between regular tax and AMT)	23	
24	Research and experimental costs (difference between regular tax and AMT)	24	
25	Income from certain installment sales before January 1, 1987	25	
26	Intangible drilling costs preference	26	
27	Other adjustments, including income-based related adjustments	27	
28	Alternative minimum taxable income. Combine lines 1 through 27. (If married filing separately and line 28 is more than \$220,900, see instructions.)	28	144,942

Part II Alternative Minimum Tax (AMT)

29	Exemption. (If you were under age 24 at the end of 2011, see instructions.) IF your filing status is ... AND line 28 is not over ... THEN enter on line 29 ... Single or head of household ... \$112,500 ... \$45,450 Married filing jointly or qualifying widow(er) ... 150,000 ... 74,450 Married filing separately ... 75,000 ... 37,225 If line 28 is over the amount shown above for your filing status, see instructions.	29	74,450
30	Subtract line 29 from line 28. If more than zero, go to line 31. If zero or less, enter -0- here and on lines 31, 33, and 35, and go to line 34	30	70,492
31	• If you are filing Form 2555 or 2555-EZ, see instructions for the amount to enter. • If you reported capital gain distributions directly on Form 1040, line 13; you reported qualified dividends on Form 1040, line 9b; or you had a gain on both lines 16 and 18 of Schedule D (Form 1040) (as refigured for the AMT, if necessary), complete Part III on the back and enter the amount from line 54 here. • All others: If line 30 is \$175,000 or less (\$87,500 or less if married filing separately), multiply line 30 by 26% (.26). Otherwise, multiply line 30 by 28% (.28) and subtract \$3,500 (\$1,750 if married filing separately) from the result.	31	18,328
32	Alternative minimum tax foreign tax credit (see instructions)	32	
33	Tentative minimum tax. Subtract line 32 from line 31	33	18,328
34	Tax from Form 1040, line 44 (minus any tax from Form 4972 and any foreign tax credit from Form 1040, line 47). If you used Schedule J to figure your tax, the amount from line 44 of Form 1040 must be refigured without using Schedule J (see instructions)	34	6,856
35	AMT. Subtract line 34 from line 33. If zero or less, enter -0-. Enter here and on Form 1040, line 45	35	11,472

For Paperwork Reduction Act Notice, see your tax return instructions.

Cat. No. 18500G

Form 6251 (2011)

Instructions for Form 1040X



Department of the Treasury
Internal Revenue Service

(Rev. December 2011)

Amended U.S. Individual Income Tax Return

Section references are to the Internal Revenue Code unless otherwise noted.

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General Instructions

What's New

The IRS has created a page on IRS.gov for information about Form 1040X and its instructions at www.irs.gov/form1040x. Information about any future developments affecting Form 1040X (such as legislation enacted after we release it) will be posted on that page.

Form 1040X will be your new tax return, changing your original return to include new information. The entries you make on Form 1040X under the columns headed **Correct amount** and **Correct number or amount** are the entries you would have made on your original return had it been done correctly.

TIP Many find the easiest way to figure the entries for Form 1040X is to first make the changes in the margin of the return you are amending.

To complete Form 1040X, you will need:

- Form 1040X and these separate instructions;
- A copy of the return you are amending (for example, 2009 Form 1040), including supporting forms, schedules, and any worksheets you completed;
- Notices from the IRS on any adjustments to that return; and
- Instructions for the return you are amending. If you don't have the instructions, you can order them by calling 1-800-TAX-FORM (1-800-829-3676) or find them online at www.irs.gov/formspubs. If you are amending a prior year return, click on "Previous Years."

Purpose of Form

Use Form 1040X to do the following.

- Correct Forms 1040, 1040A, 1040EZ, 1040NR, or 1040NR-EZ.
- Make certain elections after the prescribed deadline (see Regulations sections 301.9100-1 through -3 for details).
- Change amounts previously adjusted by the IRS. However, do not include any interest or penalties on Form 1040X; they will be adjusted accordingly.
- Make a claim for a carryback due to a loss or unused credit. However, you may be able to use Form 1045, Application for Tentative Refund, instead of Form 1040X. For more information, see Loss or credit carryback on page 2 and the discussion on carryback claims on page 3.

File a separate Form 1040X for each year you are amending. If you are changing your federal return, you also may need to change your state return.

Note. Allow 8 to 12 weeks for Form 1040X to be processed.

! If you file Form 1040X claiming a refund or credit for more than the allowable amount, you may be subject to a penalty of 20% of the disallowed amount. See Penalty for erroneous refund claim or credit on page 2.

Do not file Form 1040X if you are requesting a refund of penalties and interest or an addition to tax that you have

LII > U.S. Code > Title 26. INTERNAL REVENUE CODE
 > Subtitle F. Procedure and Administration > Chapter 63. ASSESSMENT
 > Subchapter B. Deficiency Procedures in the Case of Income, Estate, Gift, and
 Certain Excise Taxes
 > **Section 6212. Notice of deficiency**

26 U.S. Code § 6212. Notice of deficiency

U.S. Code Notes

(a) IN GENERAL

If the Secretary determines that there is a deficiency in respect of any tax imposed by subtitles A or B or chapter 41, 42, 43, or 44 he is authorized to send notice of such deficiency to the taxpayer by certified mail or registered mail. Such notice shall include a notice to the taxpayer of the taxpayer's right to contact a local office of the taxpayer advocate and the location and phone number of the appropriate office.

(b) ADDRESS FOR NOTICE OF DEFICIENCY

(1) INCOME AND GIFT TAXES AND CERTAIN EXCISE TAXES

In the absence of notice to the Secretary under section 6903 of the existence of a fiduciary relationship, notice of a deficiency in respect of a tax imposed by subtitle A, chapter 12, chapter 41, chapter 42, chapter 43, or chapter 44 if mailed to the taxpayer at his last known address, shall be sufficient for purposes of subtitle A, chapter 12, chapter 41,

chapter 42, chapter 43, chapter 44, and this chapter even if such taxpayer is deceased, or is under a legal disability, or, in the case of a corporation, has terminated its existence.

(2) JOINT INCOME TAX RETURN

In the case of a joint income tax return filed by husband and wife, such notice of deficiency may be a single joint notice, except that if the Secretary has been notified by either spouse that separate residences have been established, then, in lieu of the single joint notice, a duplicate original of the joint notice shall be sent by certified mail or registered mail to each spouse at his last known address.

(3) ESTATE TAX

In the absence of notice to the Secretary under section 6903 of the existence of a fiduciary relationship, notice of a deficiency in respect of a tax imposed by chapter 11, if addressed in the name of the decedent or other person subject to liability and mailed to his last known address, shall be sufficient for purposes of chapter 11 and of this chapter.

(C) FURTHER DEFICIENCY LETTERS RESTRICTED

(1) GENERAL RULE

If the Secretary has mailed to the taxpayer a notice of deficiency as provided in subsection (a), and the taxpayer files a petition with the Tax Court within the time prescribed in section 6213(a), the Secretary shall have no right to determine any additional deficiency of income tax for the same taxable year, of gift tax for the same calendar year, of estate tax in respect of the taxable estate of the same decedent, of chapter 41 tax for the same taxable year, of chapter 43 tax for the same taxable year, of chapter 44 tax for the same taxable year, of section 4940 tax for the same taxable year, or of chapter 42 tax, (other than under section 4940) with respect to any act (or failure to act) to which such petition relates, except in the case of fraud, and except as

provided in section 6214(a) (relating to assertion of greater deficiencies before the Tax Court), in section 6213(b)(1) (relating to mathematical or clerical errors), in section 6851 or 6852 (relating to termination assessments), or in section 6861(c) (relating to the making of jeopardy assessments).

(2) CROSS REFERENCES For assessment as a deficiency notwithstanding the prohibition of further deficiency letters, in the case of—

(A) Deficiency attributable to change of treatment with respect to itemized deductions, see section 63(e)(3).

(B) Deficiency attributable to gain on involuntary conversion, see section 1033(a)(2)(C) and (D).

(C) Deficiency attributable to activities not engaged in for profit, see section 183(e)(4).

For provisions allowing determination of tax in title 11 cases, see section 505(a) of title 11 of the United States Code.

(d) AUTHORITY TO RESCIND NOTICE OF DEFICIENCY WITH TAXPAYER'S CONSENT

The Secretary may, with the consent of the taxpayer, rescind any notice of deficiency mailed to the taxpayer. Any notice so rescinded shall not be treated as a notice of deficiency for purposes of subsection (c)(1) (relating to further deficiency letters restricted), section 6213(a) (relating to restrictions applicable to deficiencies; petition to Tax Court), and section 6512(a) (relating to limitations in case of petition to Tax Court), and the taxpayer shall have no right to file a petition with the Tax Court based on such notice. Nothing in this subsection shall affect any suspension of the running of any period of limitations during any period during which the rescinded notice was outstanding.

(Aug. 16, 1954, ch. 736, 68A Stat. 770; Pub. L. 85-866, title I, §§ 76, 89(b), Sept. 2, 1958, 72 Stat. 1661, 1665; Pub. L. 88-272, title I, § 112(d)(1), Feb. 26, 1964, 78 Stat. 24; Pub. L. 91-172, title

LII > U.S. Code > Title 26. INTERNAL REVENUE CODE
 > Subtitle F. Procedure and Administration > Chapter 63. ASSESSMENT
 > Subchapter B. Deficiency Procedures in the Case of Income, Estate, Gift, and
 Certain Excise Taxes
 > **Section 6213. Restrictions applicable to deficiencies; petition to Tax
 Court**

26 U.S. Code § 6213. Restrictions applicable to deficiencies; petition to Tax Court

U.S. Code Notes

(a) TIME FOR FILING PETITION AND RESTRICTION ON ASSESSMENT

Within 90 days, or 150 days if the notice is addressed to a person outside the United States, after the notice of deficiency authorized in section 6212 is mailed (not counting Saturday, Sunday, or a legal holiday in the District of Columbia as the last day), the taxpayer may file a petition with the Tax Court for a redetermination of the deficiency. Except as otherwise provided in section 6851, 6852, or 6861 no assessment of a deficiency in respect of any tax imposed by subtitle A, or B, chapter 41, 42, 43, or 44 and no levy or proceeding in court for its collection shall be made, begun, or prosecuted until such notice has been mailed to the taxpayer, nor until the expiration of such 90-day or 150-day period, as the case may be, nor, if a petition has been filed with the Tax Court, until the decision of the Tax Court has become final. Notwithstanding the provisions of section 7421(a),

the making of such assessment or the beginning of such proceeding or levy during the time such prohibition is in force may be enjoined by a proceeding in the proper court, including the Tax Court, and a refund may be ordered by such court of any amount collected within the period during which the Secretary is prohibited from collecting by levy or through a proceeding in court under the provisions of this subsection. The Tax Court shall have no jurisdiction to enjoin any action or proceeding or order any refund under this subsection unless a timely petition for a redetermination of the deficiency has been filed and then only in respect of the deficiency that is the subject of such petition. Any petition filed with the Tax Court on or before the last date specified for filing such petition by the Secretary in the notice of deficiency shall be treated as timely filed.

(b) EXCEPTIONS TO RESTRICTIONS ON ASSESSMENT

(1) ASSESSMENTS ARISING OUT OF MATHEMATICAL OR CLERICAL ERRORS

If the taxpayer is notified that, on account of a mathematical or clerical error appearing on the return, an amount of tax in excess of that shown on the return is due, and that an assessment of the tax has been or will be made on the basis of what would have been the correct amount of tax but for the mathematical or clerical error, such notice shall not be considered as a notice of deficiency for the purposes of subsection (a) (prohibiting assessment and collection until notice of the deficiency has been mailed), or of section 6212(c)(1) (restricting further deficiency letters), or of section 6512(a) (prohibiting credits or refunds after petition to the Tax Court), and the taxpayer shall have no right to file a petition with the Tax Court based on such notice, nor shall such assessment or collection be prohibited by the provisions of subsection (a) of this section. Each notice under this paragraph shall set forth the error alleged and an explanation thereof.

(2) ABATEMENT OF ASSESSMENT OF MATHEMATICAL OR CLERICAL

Internal Revenue Service
290 Broadway 5th floor

Department of the Treasury

Date: May 28, 2015

Jack S Kannry
Joyce F Kannry
515 East 79th Street PHB
New York, New York 10075

Tax Year(s):
201112

Taxpayer Identification Number:
130-28-6237

Kind of Tax:
Income

Consent Form Number:
872

Person to Contact:
J. Washington

Employee Identification Number:
0245549

Phone Number:
(212) 436-1297

Dear Jack S Kannry and Joyce F Kannry:

The limitation period allowed by law for assessing additional tax on your federal tax return will expire soon. Therefore, we request that you consent to extend the period for assessment.

We have enclosed copies of consent Form 872, which extends the statute of limitation period. Before signing this form, it is important that you understand your rights concerning consents, which are as follows:

- 1) You have the right to refuse to extend the limitation period.
- 2) You have the right to request the extension be limited to particular issues held open for further examination or appeal.
- 3) You have the right to request the limitation period be limited to a specific date.

If you wish to exercise any of your rights mentioned above, please review the enclosed Publication 1035, *Extending the Tax Assessment Period*, for a more detailed explanation of your rights, options, and procedures.

NOTE: You do not have to sign the consent to be considered to have cooperated with the Internal Revenue Service for purposes of determining who has the burden of proof in any court proceeding.

Joint Filers: If the enclosed consent is for a joint return, each individual must sign.

(over)

Letter 907 (Rev. 1-2006)
Catalog Number 62057X

29-17

If you agree to the terms in the enclosed consent form, please sign all copies of the consent form and return them in the enclosed envelope within 10 days from the date of this letter.

NOTE: It is important that you sign your name exactly as it appears on Form 872 . Upon acceptance, we will return an approved copy for your records.

If you have questions concerning the enclosed form or your rights when extending the statute of limitations, please contact the person whose name and number is shown above. If the telephone number is outside your local calling area, there will be a long distance charge to you. If you choose to write, please provide a telephone number and most convenient time to call if we need to contact you.

Thank you for your cooperation.

Sincerely,

Judy Washington
Tax Compliance Officer

Enclosures:
Copies of consent form
Envelope
Publication 1035

IN THE SUPREME COURT OF THE UNITED STATES

KANNRY, JACK S., ET UX.
Petitioner

vs.

No: 20-0110

COMMISSIONER OF INTERNAL REVENUE

WAIVER

The Government hereby waives its right to file a response to the petition in this case, unless requested to do so by the Court.

JEFFREY B. WALL
Acting Solicitor General
Counsel of Record

August 26, 2020

cc:

JACK STEPHEN KANNRY
WARSHAW BURSTEIN, LLP
575 LEXINGTON AVENUE
NEW YORK, NY 10022

LII > U.S. Code > Title 26. INTERNAL REVENUE CODE
 > Subtitle F. Procedure and Administration > Chapter 66. LIMITATIONS
 > Subchapter A. Limitations on Assessment and Collection
 > **Section 6501. Limitations on assessment and collection**

26 U.S. Code § 6501. Limitations on assessment and collection

U.S. Code Notes

(a) GENERAL RULE

Except as otherwise provided in this section, the amount of any tax imposed by this title shall be assessed within 3 years after the return was filed (whether or not such return was filed on or after the date prescribed) or, if the tax is payable by stamp, at any time after such tax became due and before the expiration of 3 years after the date on which any part of such tax was paid, and no proceeding in court without assessment for the collection of such tax shall be begun after the expiration of such period. For purposes of this chapter, the term "return" means the return required to be filed by the taxpayer (and does not include a return of any person from whom the taxpayer has received an item of income, gain, loss, deduction, or credit).

(b) TIME RETURN DEEMED FILED

(1) EARLY RETURN



Your Rights as a Taxpayer

Publication 1

This publication explains your rights as a taxpayer and the processes for examination, appeal, collection, and refunds. Also available in Spanish.

The Taxpayer Bill of Rights

1. The Right to Be Informed

Taxpayers have the right to know what they need to do to comply with the tax laws. They are entitled to clear explanations of the laws and IRS procedures in all tax forms, instructions, publications, notices, and correspondence. They have the right to be informed of IRS decisions about their tax accounts and to receive clear explanations of the outcomes.

2. The Right to Quality Service

Taxpayers have the right to receive prompt, courteous, and professional assistance in their dealings with the IRS, to be spoken to in a way they can easily understand, to receive clear and easily understandable communications from the IRS, and to speak to a supervisor about inadequate service.

3. The Right to Pay No More than the Correct Amount of Tax

Taxpayers have the right to pay only the amount of tax legally due, including interest and penalties, and to have the IRS apply all tax payments properly.

4. The Right to Challenge the IRS's Position and Be Heard

Taxpayers have the right to raise objections and provide additional documentation in response to formal IRS actions or proposed actions, to expect that the IRS will consider their timely objections and documentation promptly and fairly, and to receive a response if the IRS does not agree with their position.

5. The Right to Appeal an IRS Decision in an Independent Forum

Taxpayers are entitled to a fair and impartial administrative appeal of most IRS decisions, including many penalties, and have the right to receive a written response regarding the Office of Appeals' decision. Taxpayers generally have the right to take their cases to court.

6. The Right to Finality

Taxpayers have the right to know the maximum amount of time they have to challenge the IRS's position as well as the maximum amount of time the IRS has to audit a particular tax year or collect a tax debt. Taxpayers have the right to know when the IRS has finished an audit.

7. The Right to Privacy

Taxpayers have the right to expect that any IRS inquiry, examination, or enforcement action will comply with the law and be no more intrusive than necessary, and will respect all due process rights, including search and seizure protections and will provide, where applicable, a collection due process hearing.

8. The Right to Confidentiality

Taxpayers have the right to expect that any information they provide to the IRS will not be disclosed unless authorized by the taxpayer or by law. Taxpayers have the right to expect appropriate action will be taken against employees, return preparers, and others who wrongfully use or disclose taxpayer return information.

9. The Right to Retain Representation

Taxpayers have the right to retain an authorized representative of their choice to represent them in their dealings with the IRS. Taxpayers have the right to seek assistance from a Low Income Taxpayer Clinic if they cannot afford representation.

10. The Right to a Fair and Just Tax System

Taxpayers have the right to expect the tax system to consider facts and circumstances that might affect their underlying liabilities, ability to pay, or ability to provide information timely. Taxpayers have the right to receive assistance from the Taxpayer Advocate Service if they are experiencing financial difficulty or if the IRS has not resolved their tax issues properly and timely through its normal channels.

The IRS Mission

Provide America's taxpayers top-quality service by helping them understand and meet their tax responsibilities and enforce the law with integrity and fairness to all.