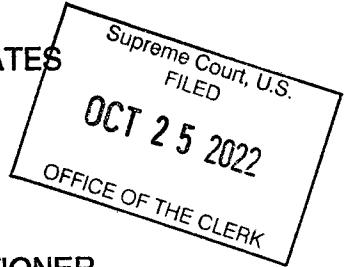


No. 22-6961

IN THE  
SUPREME COURT OF THE UNITED STATES



Teresa G. Murphy PETITIONER  
(Your Name)

Commissioner of Internal Revenue vs.  
— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Court of Appeals 10<sup>th</sup> Circuit, District of Columbia  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)  
12970-19, 22-9001, 13970-19 10<sup>th</sup> Circuit  
PETITION FOR WRIT OF CERTIORARI

Teresa G. Murphy  
(Your Name)

PO Box 770

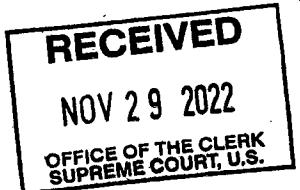
(Address)

Littleton, Co 80160

(City, State, Zip Code)

(720) 988-8070 Cell

(Phone Number)



Questions:

Is the SSA taxable?

How many forms of SSA are there?

Are both taxable?

Is possibly one is tax-free and the other maybe tax-able?

Are they considered social security benefits which are stand-alone or are they attached to an insurance policy purchased from an employer?

How are these forms of insurance purchased?

What are the names of these kinds of insurance?

Are they attached to private insurance to complete a disability monthly income?

Are they considered stand-a-lone social security or are they the 2<sup>nd</sup> half of the individual employer provided insurance plan?

Is Social Security Disability taxable?

Is Social Security Retirement taxable?

Is all Social Security taxable?

What is considered Social Security?

If it is attached to another insurance plan is it considered Social Security?

Is SSA considered retirement?

Is SSA disability?

If SSA is disability then what kind of disability and where and from whom was it purchased and by whom?

What kind of policy do I have?

Where do you look to determine the kind of policy?

Is there a Yearly Cost of Living Raise? Is it taxable or tax-free?

What kind do I have? Is it tax-free?

Where do you have to look to determine what kind of plan that I have?

Is my policy tax-free? Does it have a higher monthly disability payout because of kind of plan?

Is SSA Social Security Retirement?

Is SSA ever Social Security Retirement?

Does Social Security Retirement start at 65?

In Year 2016, was I 65 years of age?

In Year 2016, was I under to age of 65?

Why is there any question now since the CPA's and tax preparer's have done this since 1993. There was no question about wheathe or not the calculation was correct.

The IRS said I was not sick or disabled. They said I was retired from Social Security. Is their view correct?

The IRS said I was married. Is this wrong? Why are they not verifying this information before they are using it in a case.

At what age do you qualify to receive Social Security Retirement money?

For tax purposes, how do you calculate tax-free monies? Also, once you have tax-free, how do you calculate taxable monies? This is Yearly Cost of Living Raises. Then where do you put this amount in the tax return.

What is the tax-free calculation?

What is the taxable calculation? This taxable monies is Yearly Cost of Living Raises?

Once you obtain taxable monies, if there is any. Where on the tax return do you put this amount?

## **LIST OF PARTIES**

All parties appear in the caption of the case on the cover page.

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

## **RELATED CASES**

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of pages should  
be marked  
with Appendix  
A

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### CASES

### PAGE NUMBER

**STATUTES AND RULES**

See J.K. WASSER'S Your Income Tax 2016  
See James Noel SSD private disability  
INSURANCE ATTORNEY at law 303 761-2322  
See Ms Green IRS Agent who answers phone

**OTHER** J. K. WASSER'S Your Income Tax 2016  
Written by IRS so taxpayers can do  
their own taxes.

Mr. James Noel 303-761-2322

Ms. Green IRS Agent Expert on LTD or  
Employer Provided Wage Reduction  
Taxation

IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

**[ ] For cases from federal courts:**

The opinion of the United States court of appeals appears at Appendix \_\_\_\_ to the petition and is

reported at Verdict 9/3/2021 Appeals; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished. *Title Page Count of Appeals  
10th Circuit*

The opinion of the United States district court appears at Appendix \_\_\_\_ to the petition and is

reported at Verdict 9/3/2021 District; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

**[ ] For cases from state courts:**

The opinion of the highest state court to review the merits appears at Appendix \_\_\_\_ to the petition and is

reported at Verdict 9/3/2022 District; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished. *Title Page United States District  
Court 10th Circuit*

The opinion of the District court appears at Appendix \_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

## **JURISDICTION**

**[ ] For cases from federal courts:**

The date on which the United States Court of Appeals decided my case was 3/30/22.

[ ] No petition for rehearing was timely filed in my case.

[ ] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. A \_\_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

**[ ] For cases from state courts:**

The date on which the highest state court decided my case was \_\_\_\_\_. A copy of that decision appears at Appendix 1/13/22.

[ ] A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. A \_\_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

It is clearly stated in J.K. Hasser's, Your Income Tax 2016 that 60% of Disability Income is Tax Free. This includes Cigna Money and SSA which is considered Cigna monies. The only thing taxable is Yearly Raise. The writeup called, "A concise statement of the Case", there is also a writeup about the arguments of the case.

It is clear that the IRS didn't know Tax law and the brief which they wrote was irrelevant and incorrect. Incorrect. The IRS position is a SSA is taxable. This is not true because SSA is Disability. 50% maybe taxable but greater than 50% is tax-free.

It is found in both Appendix A and Appendix B as well as "Concise Statement of Case and discussion of Arguments of Case".

### **STATEMENT OF THE CASE**

The point of the case is the question, "Is the SSA taxable. The answer is it is not Taxable. Only the Yearly raise is ~~not~~ taxable. This is 60% disability. 50% of disability may Taxable. Mine is 60% and Tax-FREE.

IRS writes Briefs which ARE incorrect and irrelevant. They state that all and ANY form is taxable. None of this is correct.

SSA is employer provide wage reduction plan and it is not taxable at 60%. All over my case these problems are discussed. See Concise Statement of the case.

**Concise Statement of the Case**

## Concise Statement of the Case

SSA is considered to be the second half of the private insurance monthly disability payment. The first half is a CIGNA payment which is completed by a SSA payment.

Both of these payments complete the disability payment each month. This particular kind of disability is a benefit provided by an Employer for the employees of the company. This is part of their benefit package. It can be 50% of the salary of the employee and the insurance premium is paid by the employer. The next kind of disability insurance offered to the employee pays 60% of the employee's salary, the premium is paid by the employee out of the paycheck and it is tax-free.

These two policies are called Long Term Disability (LTD) and/or Employer provided wage reduction Plan. As far as I know these plans are offered only by employers to their employees.

The difference between the plans is the amount of disability payment (s) and whether or not the amount is taxable or tax-free. The 50% plan premium is paid for by the employer. The 60% plan premium is paid for by the employee. The 50% plan is possibly taxable. The 60% is tax-free.

My policy is the 60% plan. This means that I will have more from my salary to live on and tax-free status which gives me even more money to live on.

The CIGNA award letter states clearly that the amount(s) I have to live on as well as the total amount(s) are tax-free. It also shows that the monthly disability payment is split between CIGNA and Social Security Administration. At the bottom of the page there is a tiny SSA circled which means the SSA is tax-free. Social Security does not consider this a standard Social Security benefits. This would be Social Security Disability (SSD) or Social Security retirement (SSR). There is a document from Social Security which lists all the possible Social Security codes and the SSA code is not seen with the other Social Security codes in the list. The list was provided by Mr. James Noel, Esquire. The title of this document is "How Many 1099 Forms Are There?" It is in my case.

The CIGNA policy as well as the Covia Handbook show that the monies which are given to the sick employee comes from CIGNA and Social Security Administration and it's controlled by CIGNA. Therefore, the total CIGNA disability payment is combined between both CIGNA and Social Security Administration.

There are numerous places in IRS tax code where it tells you that the SSA is tax-free and how it relates to the tax return.

IRS tax code clearly states that if a disabled employee has paid the premium out of their paycheck in after tax dollars then the CIGNA and SSA are tax-free. These amounts are tax-

The 1099 contains both tax-free and possibly taxable amounts. So you cannot depend on using the amount in Box 5 alone when you do taxes. You have to remove the tax-free portion as has been described.

Mrs. Altenburger stated multiple times that the SSA is retirement which it is not and that I was not disabled or sick which is not true and that I was married which again is not correct. She could not explain where this came from which if believed by the Judge could cost me the verdict. This was a major part of her case and she didn't prove that it was true.

The reasons relied on for the allowance of the Writ. Rules 10 and 14.1(h). A direct and concise argument amplifying the reasons relied on for Allowance of the Writ.

There are many problems on the part of Ms. Altenburger, IRS attorney and all Judges involved in all court sessions which culminated in illegal verdicts from the Judges. Ms. Altenburger, IRS attorney was granted a win when I should have gotten the win. It's as if the Judges did not read my case nor look at the evidence. My case specifically addresses the point of court action. Ms. Altenburger does not address the specifics of whether the SSA monies are SSA taxable. Initially she said nothing about the SSA. Later she said it was it was taxable and that it was retirement. Her case is not built correctly and is irrelevant to the reason for court action. Verbally either she didn't talk or it was incorrect or irrelevant to the court. Ms. Altenburger was slow to discuss her view. She did so in pieces. It made it difficult for me to figure out what I needed in my case. Initially, she simply said it was taxable. Later she finally said it was retirement. Finally, she said I was not sick or disabled and that I was supposed to be retirement. All comments are not correct and the view is finally heard and she's incorrect. Whatever the reason, the verdicts should have gone to me since I had more then proved that I was correct and accurate.

I had been told that Judges hate Pro Se. I would have to say that based on my experiences that they probably do. Preferential treatment and consideration was given to Ms. Altenburger when anything she said was either incorrect or inappropriate. She never researched anything including tax law on the subject or Long Term Disability or Employer Provided Wage Reduction Plans. The Judges went along with her when she was wrong and ignored my case and me. The Judges didn't seem to know tax law concerning Employer Provided Wage Reduction Plan or Long Term Disability. Ms. Altenburger did not research or check to see if she was correct which she wasn't. She felt that the SSA was Social Security Retirement which it isn't.

Mrs. Altenburger was trying to get a win and she used it to try to stop my quest to get a correct, free and valid verdict. She even threatened me. The Judges still supported her and kind to no matter what happen including asking questions which she didn't have to answer.

The Appeals Judge indicated he would not change the verdict because he supports the verdict of the previous Judges whether they are correct or not. He did seem to think Ms. Altenburger was correct about it being taxable which only some of the SSA is taxable. The Yearly Cost of Living Raise is taxable.

Ms. Altenburger was saying that I was retired but not sick or disabled. This should have been easy to prove before going into a court room but she didn't. I am not married, not retired because at this time I was too young to get stand alone Social Security Retirement. If a person receives under age Social Security benefits then it would have to be Social Security Disability (SSD). I don't have SSD.

She continued to state that SSA is retirement. I have a document in my case which states when the SSA becomes retirement. Only problem is it doesn't because CIGNA does not change their payment to cover that amount. Therefore, this needs to be fixed. I have a letter into them but have not heard anything from them.

Then I heard was that all social security benefits are taxable. Unfortunately, the SSA is Long Term Disability or Employer Wage Reduction Plan not retirement. The CIGNA policy clearly states that this amount is determined by CIGNA and controlled by CIGNA. So it really is not Social Security money. The SSA is attached to the Employer Provide Wage Reduction Plan or Long Term Disability. The IRS view is that the SSA is separate from the CIGNA. The Plan Policy talks about this as does the Award Letter.