SUPREME COURT OF THE UNITED STATES

ROY J. MEIDINGER,

Petitioner,

v.

COMMISSIONER OF INTERNAL REVENUE,

Respondent.

Appendix

Roy J, Meidinger

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Petitioner is Pro se

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APPENDIX GUIDE AND DESCRIPTIVE TABLE 1

This document serves as a descriptive table of contents for the Appendix booklet. Each appendix is summarized to explain what it contains and why it is included. The summaries are descriptive only and do not repeat the materials contained in the appendices themselves.

APPENDIX A — Opinion of the United States Court of Appeals 5

Appendix A contains the opinion of the United States Court of Appeals for the District of Columbia Circuit. The court affirmed dismissal of the whistleblower action on jurisdictional grounds, concluding that the Tax Court lacked authority to review the IRS Whistleblower Office's determination. This appendix provides the final appellate disposition relied upon by the courts below.

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Appendix B contains the order of the United States Tax Court dismissing the whistleblower case. The Tax Court concluded that it lacked jurisdiction to consider the claim and did not engage in factual review or analysis of the alleged tax violations. This appendix reflects the initial judicial decision at issue.

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Appendix C contains the final determination letter issued by the IRS Whistleblower Office. The letter rejected the whistleblower claim, stating that no tax revenue was collected and that the information provided was speculative, without explaining the factual or legal basis for that conclusion.

APPENDIX D – Guide Summary 43

Appendix D sets forth the statutory and judicial framework governing IRS whistleblower determinations and the standards for judicial review of final agency action. It shows that Congress expressly provided for judicial review under **26 U.S.C. § 7623(b)(4)** and that review of Tax Court decisions proceeds under traditional bench-trial standards.

The Appendix explains how the **Administrative Procedure Act** requires final agency action to be reviewable and supported by a reasoned explanation, and why unexplained or conclusory rejection letters issued by the IRS Whistleblower Office fail to satisfy those requirements. It also identifies the income-recognition and reporting statutes implicated by the whistleblower submission solely to provide legal context for the agency's duty to issue a lawful determination.

Appendix D does not seek enforcement action, adjudication of tax liability, or disclosure of confidential taxpayer information. Its purpose is limited to

demonstrating that the decisions below conflict with statutory text and settled administrative-law principles by insulating final agency action from judicial review.

APPENDIX E — Unified Statement of the Whistleblower's 46

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Appendix E presents a unified factual and legal explanation of the whistleblower claim. It describes how medical billing creates legally enforceable debt, how income is required to be recognized under accrual accounting, how post-billing write-offs are mischaracterized, and how provider–insurer arrangements embed unlawful kickbacks. This appendix explains the substance of the alleged tax violations.

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Appendix H addresses institutional issues raised by this case. It discusses the duty of courts to decide cases consistent with congressional intent, the absence of meaningful fact-finding in the proceedings below, and the Administrative Procedure Act requirement that the IRS Whistleblower Office provide reasoned explanations for final denials, while respecting taxpayer confidentiality.

APPENDIX A

Opinions and Judgements of the United States Court of Appeals

Appendix A contains the opinion of the United States Court of Appeals for the District of Columbia Circuit. The court affirmed dismissal of the whistleblower action on jurisdictional grounds, concluding that the Tax Court lacked authority to review the IRS Whistleblower Office's determination. This appendix provides the final appellate disposition relied upon by the courts below.

07/08/2025	2 pg, 55.52 KB	PER CURIAM JUDGMENT [2124254] filed that Meidinger's appeal is hereby dismissed in toto for lack of jurisdiction; that claims one and two in Kennedy's appeal are dismissed for the same jurisdictional deficiency; that the Tax Courts rejection of Kennedys third claim is affirmed on the merits; and that these cases be remanded to the Tax Court for proceedings consistent with the opinion of the court filed herein this date. Before Judges: Henderson, Rao and Walker. [21-1133, 22-1239] [Entered: 07/08/2025 10:10 AM]
07/08/2025	26 pg, 251.45 KB	OPINION [2124256] filed (Pages: 26) for the Court by Judge Henderson [21-1133, 22-1239] [Entered: 07/08/2025 10:14 AM]

07/08/2025	1 pg, 39.21 KB	PER CURIAM ORDER [2124263] filed dismissing as moot motion for leave to supplement record [2044708-2] in 21-1133; dismissing as moot motion for leave to file a supplemental brief [2057127-2] in 22-1239; dismissing as moot motion to file an oral argument statement [2054106-2] in 22-1239. Before Judges: Henderson, Millett and Walker. [21-1133, 22-1239] [Entered: 07/08/2025 10:21 AM]
12/19/2025	1 pg, 38.32 KB	PER CURIAM ORDER [2151305] filed denying appellant's motion for leave to adduce additional evidence [2125003-2] and denying petition for panel rehearing [2124676-2]. Before Judges: Henderson, Rao and Walker. [22-1239] [Entered: 12/19/2025 01:37 PM]
12/19/2025	1 pg, 39.25 KB	PER CURIAM ORDER, En Banc, [2151315] filed denying appellant's motion for leave to adduce additional evidence [2125003-2]; denying appellant's petition for rehearing en banc [2124676-3]; and granting the motion for leave to participate as amicus curiae [2125636-2]. The Clerk is directed to file the lodged brief. Before Judges: Srinivasan,

Henderson, Millett, Pillard, Wilkins, Katsas, Rao, Walker, Childs, Pan and Garcia. [22-1239]

[Entered: 12/19/2025 01:48 PM]

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 21-1133

September Term, 2024

FILED ON: JULY 8, 2025

PATRICK KENNEDY,

APPELLANT

v.

COMMISSIONER OF INTERNAL REVENUE,

APPELLEE

No. 22-1239

ROY J. MEIDINGER, SR.,

APPELLANT

v.

COMMISSIONER OF INTERNAL REVENUE,

APPELLEE

Appeals from the United States Tax Court

Before: HENDERSON, RAO and WALKER, *Circuit Judges*

JUDGMENT

These causes came to be heard on the record compiled before the United States Tax Court and were argued by counsel. On consideration thereof, it is

ORDERED and **ADJUDGED** that Meidinger's appeal is hereby dismissed in toto for lack of jurisdiction; that claims one and two in Kennedy's appeal are dismissed for the same jurisdictional deficiency; that the Tax Court's rejection of Kennedy's third claim is affirmed on the merits; and that these cases be remanded to the Tax Court for proceedings consistent with the opinion of the court filed herein this date.

Per Curiam

FOR THE COURT:
Clifton B. Cislak, Clerk

BY: /s/

Michael C. McGrail
Deputy Clerk

Date: July 8, 2025

Opinion for the court filed by Circuit Judge Henderson.

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

Argued October 7, 2024 Decided July 8, 2025

No. 21-1133

PATRICK KENNEDY,
APPELLANT

v.

COMMISSIONER OF INTERNAL REVENUE,
APPELLEE

Appeal from the United States Tax Court

Paul D. Scott argued the cause for *amicus curiae* The Anti-Fraud Coalition in support of appellant. With him on the briefs was *Lani Anne Remick.*

Patrick S. Kennedy, pro se, was on the briefs for appellant.

Julie Ciamporcero Avetta, Attorney, U.S. Department of Justice, argued the cause for appellee. With her on the briefs were *Bruce R. Ellisen* and *Matthew S. Johnshoy*, Attorneys.

No. 22-1239

ROY J. MEIDINGER, SR.,
APPELLANT

v.

COMMISSIONER OF INTERNAL REVENUE,
APPELLEE

Appeal from the United States Tax Court

Jillian Sheridan Stonecipher, appointed by the court, argued the cause for appellant as *amicus curiae*. With her on the briefs were *Jeffrey T. Green* and *Jennifer J. Clark*.

Roy J. Meidinger, pro se, was on the briefs for appellant.

Julie Ciamporcero Avetta, Attorney, U.S. Department of Justice, argued the cause for appellee. With her on the brief was *Bruce R. Ellisen*, Attorney. *Norah Bringer*, *Arthur T. Catterall*, and *Matthew S. Johnshoy*, Attorneys, entered appearances.

Before: HENDERSON, RAO and WALKER, *Circuit Judges*.

Opinion for the court filed by *Circuit Judge* HENDERSON.

KAREN LECRAFT HENDERSON, *Circuit Judge*: In recent years, this Court has considered the bounds of the U.S. Tax Court's jurisdiction to review whistleblower claims under 26 U.S.C. § 7623(b). In 2022, we held that one portion of subsection (b)(1)—requiring the Internal Revenue Service (IRS) to have "proceed[ed] with an[] administrative or judicial action"—is jurisdictional. *See Li v. Comm'r*, 22 F.4th 1014 (D.C. Cir. 2022). On the facts of *Li*, we concluded that if the IRS Whistleblower Office (WBO) neither forwards a whistleblower's claim to an IRS operating division nor acts against a taxpayer, there is no judicially reviewable action. *Id.* at 1017. More recently, we held that a second portion of subsection (b)(1)—that the IRS have "collected" "proceeds . . . as a result of the action"—is non-jurisdictional. *Lissack v. Comm'r*, 125 F.4th 245 (D.C. Cir. 2025). On the facts of *Lissack*, we concluded that once the WBO forwards the whistleblower's claim to an IRS operating division and that division audits the targeted taxpayer, the Tax Court has jurisdiction to review the whistleblower's award. *Id.* at 254–56.

In these consolidated appeals, the WBO sent two whistleblowers' claims to an operating division but that division took no action against any taxpayer. We are asked to resolve whether these facts fall on the *Li* or *Lissack* side of the jurisprudential cleavage and, accordingly, whether the Tax Court may properly exercise jurisdiction. We hold that *Li* controls and therefore the Tax Court lacks jurisdiction. The movement of a whistleblower's form from one wing of the IRS to another is an exercise in paperwork shuffling, not a jurisdictionally relevant affair. We accordingly dismiss Roy Meidinger's petition in toto for want of jurisdiction, dismiss two of Patrick Kennedy's claims and deny his third claim on the merits, and remand to the Tax Court for proceedings consistent with this opinion.

I. BACKGROUND

A. Statutory & Regulatory Background

A longstanding feature of our nation's tax laws has been a monetary award system for whistleblowers who aid the government in detecting tax violations. *See* 26 U.S.C. § 7623(a). This program, dating to 1867, previously left award payments to the Secretary's unreviewable discretion. *See* Act of March 2, 1867, Pub. L. No. 39-169, § 7, 14 Stat. 471, 473. As a result, the whistleblower system was subject to "arbitrary and inconsistent" decision making. *Whistleblower 11332-13W v. Comm'r*, 142 T.C. 396, 400 (2014) (citing Treasury Inspector General report). In 2006, the Congress responded by amending § 7623 as part of the Tax Relief and Health Care Act (TRHCA) to mandate award payments to certain whistleblowers whose information leads to tax recoveries above a minimum threshold. Pub. L. No. 109-432, § 406, 120 Stat. 2922, 2958–60. The TRHCA also created the Whistleblower Office within the IRS. *Id.* § 406(b).

The whistleblower process commences when a claimant files a Form 211 with the WBO. Form 211 is a standardized application used by a whistleblower to alert the IRS to possible tax violations and to seek a monetary share of the agency's eventual recovery. 26 C.F.R. § 301.7623-3(e)(2)(i) (2019). Under Treasury regulations, the WBO conducts an initial review to determine whether to reject the Form 211 for lack of a colorable claim to compensation. *Id.* § 301.7623-3(c)(7). A rejection "relates solely to the whistleblower and the information on the face of the claim that pertains to the whistleblower." *Id.* If a Form 211 survives this stage, it then proceeds to an IRS operating division for further review, at which point the IRS may still deny the form. A denial "relates

to or implicates taxpayer information" and may occur if "the IRS either did not proceed based on the information provided by the whistleblower . . . or did not collect proceeds." *Id.* § 301.7623-3(c)(8).

Should the IRS "proceed[] with any administrative or judicial action . . . based on information" provided by a whistleblower, that whistleblower "shall . . . receive as an award" between 15 and 30 per cent of the recovery, depending on "the extent to which the individual substantially contributed to [the] action." 26 U.S.C. § 7623(b)(1). Subsections (b)(2) and (b)(3) limit awards if the whistleblower's information was not the principal basis for the IRS's action or if the whistleblower planned and initiated the wrongdoing. A whistleblower dissatisfied with his award may appeal the IRS's decision to the Tax Court, which has jurisdiction to hear appeals of "[a]ny determination regarding an award under" subsections (b)(1)–(3). *Id.* § 7623(b)(4).

The Tax Court initially interpreted § 7623(b)(4) to confer jurisdiction to review "the amount *or denial* of an award determination," *Cooper v. Comm'r*, 135 T.C. 70, 75 (2010) (emphasis added), on the theory that "a denial or rejection is a (negative) 'determination regarding an award,'" *Lacey v. Comm'r*, 153 T.C. 146, 163 n.19 (2019). We disagreed in *Li* and held that "*Cooper* and *Lacey* were wrongly decided" and that § 7623(b)(4) does not grant "the Tax Court jurisdiction over the threshold first step, the initial rejection of a whistleblower award before the WBO makes an award determination under subsections (b)(1)–(3)." 22 F.4th at 1016–17. As *Li* explained, "[a] threshold rejection of a Form 211 by nature means that the IRS is not *proceeding* with an action" and thus "there is no award determination, negative or otherwise, and no jurisdiction for the Tax Court." *Id.* at 1017. More recently, the Court clarified that *Li*'s jurisdictional holding

applied only to whether the IRS "proceeds with an action," not to whether the IRS "collected proceeds based on the whistleblower's information." *Lissack*, 125 F.4th at 255 (internal quotations omitted). To conclude otherwise would "render[] the jurisdictional grant coextensive with the merits of a whistleblower appeal." *Id.*

B. Factual & Procedural Background

1. Roy Meidinger

Petitioner Roy Meidinger asserts that discounts offered by healthcare providers to insurance companies constitute a form of debt relief. Because this relief has gone untaxed, the industry has ostensibly received an improper windfall to the tune of nine trillion dollars. For years, Meidinger has unsuccessfully pursued a trifecta of whistleblower claims stemming from his debt-relief theory. *See Meidinger v. Comm'r*, 559 F. App'x 5 (D.C. Cir. 2014); *Meidinger v. Comm'r*, 771 F. App'x 112 (D.C. Cir. 2019); *Meidinger v. United States*, 146 Fed. Cl. 491 (2020), *aff'd*, 989 F.3d 1353 (Fed. Cir. 2021).

On July 18, 2019, Meidinger took one more bite at the apple. He submitted a Form 211 to the WBO that was in all material respects a repetition of his previous allegations. Upon receipt of Meidinger's latest allegations, the WBO reviewed Meidinger's claim and recommended that it be forwarded to the IRS Tax Exempt and Government Entities (TEGE) Operating Division. The TEGE reviewed Meidinger's claim, surveyed the pertinent tax return and chose not to investigate further because his allegations were "not specific, credible, or [were] speculative."[1] Supplemental Appendix (S.A.) 40–42.

[1] A survey is "[t]he process by which an examiner makes the determination *not* to audit [a] tax return . . . before examining any

The WBO then prepared its own memorandum, which recommended that the IRS reject Meidinger's claims on the same grounds. Three days later, on January 31, 2020, the IRS informed Meidinger by letter that the WBO had "made a final decision to reject [his] claim." S.A. 1.

On February 20, 2020, Meidinger timely appealed to the Tax Court. *See* 26 U.S.C. § 7623(b)(4). The IRS moved to dismiss on the ground that the Tax Court lacked authority to compel the IRS to proceed with an administrative or judicial action. Relying on *Lacey*, the Tax Court denied the IRS's dismissal motion. Litigation continued apace until early 2022, at which time the Tax Court ordered a stay of proceedings in light of our intervening decision in *Li*. On July 5, 2022, the Tax Court lifted the stay and dismissed Meidinger's case for lack of jurisdiction. Meidinger *pro se* filed a timely appeal to the Eleventh Circuit, which transferred the case to this Circuit. *See* 26 U.S.C. § 7483 (granting 90 days to appeal a decision of the Tax Court); Fed. R. App. P. 13(a)(1) (same). We appointed Jeffrey T. Green as amicus curiae in support of Meidinger.[2]

2. Patrick Kennedy

Petitioner Patrick Kennedy filed a whistleblower complaint with the WBO in April 2012. In his Form 211, Kennedy alleged that three interrelated corporations owed over $150,000,000 in unpaid taxes. In brief, Kennedy claimed that

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books and records, because an examination would not result in a material change to the taxpayer's tax liability." IRM pt. 4.10.2.1.4(1) (Sept. 9, 2019) (emphasis added).

[2] During the pendency of this appeal, Green retired and was replaced by Jennifer Clark. Ms. Clark has more than ably discharged her duties and we thank her and the other Amicus counsel of record for their assistance.

Taxpayer 1 raided the assets of Taxpayers 2 and 3, tax-exempt employee beneficiary associations, for its own use. The WBO screened Kennedy's claim and referred it to the Large Business and International (LB&I) Operating Division. At this point, Kennedy's claim became mired in bureaucratic delay.

LB&I determined that Kennedy's claim fell outside its bailiwick and transferred his complaint to the TEGE. Around the same time, the IRS trifurcated Kennedy's Form 211 into three separate claims, one against each of the targeted taxpayers. The TEGE placed its review of Taxpayer 1"in suspense" because it was outside the TEGE's domain. In effect, Kennedy's Taxpayer 1 claim fell into a jurisdictional black hole: neither evaluated by the LB&I nor subject to the TEGE's examination. The TEGE took no action regarding Kennedy's Taxpayer 2 claim because the company was a defunct entity.

As to Taxpayer 3, Kennedy's claim found greater traction. A revenue agent in the TEGE undertook an examination—i.e., an audit—of Taxpayer 3's 2011 tax returns. That examination languished for two years until its eventual completion in June 2015. The IRS ultimately concluded that Taxpayer 3 remained eligible for tax exempt status and closed the record. The TEGE then recommended that the IRS issue a denial letter because the agency took no action on Kennedy's first two claims and the claim-three examination resulted in no change. The WBO agreed and, in December 2016, it mailed Kennedy a preliminary denial letter. Kennedy asked the IRS to reconsider its denial to no avail. On February 1, 2017, nearly five years after Kennedy commenced his quest, the IRS issued a final decision denying all three of his claims.

On March 3, 2017, Kennedy timely appealed to the Tax Court. The Tax Court reached the merits and concluded the

WBO did not abuse its discretion in denying Kennedy's claims. Kennedy then appealed the Tax Court decision to the Seventh Circuit, which deemed venue improper and transferred the case to this Court. Kennedy's appeal was held in abeyance pending the resolution of *Lissack*. Once *Lissack* issued, the stay was lifted and the case proceeded on the merits. Meidinger's and Kennedy's cases were consolidated for disposition after oral argument.

II. ANALYSIS

This Court exercises jurisdiction pursuant to 26 U.S.C. § 7482(a)(1) but our jurisdiction is predicated on the Tax Court possessing jurisdiction in the first instance. *See United States v. Corrick*, 298 U.S. 435, 440 (1936) (explaining that, where the lower court lacks jurisdiction, "we have jurisdiction on appeal, not of the merits, but merely for the purpose of correcting the error of the lower court in entertaining the suit"). We review Tax Court decisions as we do decisions of the district court sitting without a jury. 26 U.S.C. § 7482(a)(1). We consider *de novo* the Tax Court's jurisdictional determinations, *Myers v. Comm'r*, 928 F.3d 1025, 1031 (D.C. Cir. 2019), as well as its decision to grant summary judgment, *Eshel v. Comm'r*, 831 F.3d 512, 517 (D.C. Cir. 2016). We review the IRS's underlying determination for abuse of discretion. *Colacurcio v. Comm'r*, 727 F. App'x 705, 706 (D.C. Cir. 2018) (per curiam).

The whistleblower statute authorizes the Tax Court to review any "determination regarding an award under paragraphs (1), (2), or (3)" of § 7623(b). 26 U.S.C. § 7623(b)(4). These consolidated appeals lie at the intersection of two of our precedents interpreting § 7623(b)(4): *Li* and *Lissack*. In *Li*, we held that the Tax Court lacks jurisdiction to review "the initial rejection of a whistleblower award before

the WBO makes an award determination under subsections (b)(1)–(3)." 22 F.4th at 1016. There, "[t]he WBO did not forward [the whistleblower's] Form 211 to an IRS examiner for further action, and the IRS did not take any action against the target taxpayer." *Id.* at 1017. Instead, the claim was rejected during an initial screening "for vague and speculative information." *Id.* Rejection at this "threshold first step," *Li* explained, means that the IRS is not proceeding with "administrative or judicial action" and thus there is no "award determination, negative or otherwise, and no jurisdiction for the Tax Court." *Id.* (internal quotation marks omitted). In other words, when the WBO rejects a Form 211 during an initial review, that decision is unreviewable.

In *Lissack*, we held that the Tax Court had jurisdiction to review the denial of a whistleblower award when the IRS had conducted an examination based on the whistleblower's information. 125 F.4th at 254–56. There, the WBO "referred [the whistleblower's] submission to the IRS, and an IRS revenue agent initiated an examination of the . . . issue that [the whistleblower] identified." *Id.* at 255. The Court concluded that the IRS's "referral and examination count as the IRS proceeding with an administrative action that was based on the information [the whistleblower] brought to the Secretary's attention." *Id.* (citation modified). Rejecting the argument that subsection (b)(1)'s second requirement—"that the IRS . . . collect[] proceeds based on the whistleblower's information"—is jurisdictional, the Court found it sufficient that the IRS had proceeded with administrative action against the taxpayer identified by the whistleblower. *Id.* (internal quotation marks omitted). Accordingly, the Court held that the WBO's denial of the whistleblower claim was a reviewable "determination regarding an award" under § 7623(b)(4). *Id.* The Court left for another day "the precise line between an

unreviewable threshold rejection and a reviewable determination." *Id.* at 256.

In sum, *Li* presented a case in which the whistleblower's claim did not advance past the WBO and the IRS took no action against a taxpayer. *Lissack* presented more: the whistleblower's claim was referred by the WBO to an operating division that then examined the taxpayer before ultimately denying the claim. Meidinger and Kennedy fall between these two bookends. Meidinger's Form 211 made it past the WBO's threshold screening and was referred to an IRS operating division. But that division conducted no investigation because it concluded that Meidinger's claims were wholly speculative or implausible. Kennedy's Form 211 likewise progressed to an IRS operating division. On claims one and two, the operating division took no action. On claim three, the operating division conducted an examination of the targeted taxpayer based on Kennedy's information.

Both Meidinger and Kennedy contend that the WBO's transmission of their Form 211s to an operating division conferred jurisdiction on the Tax Court.[3] In other words, any action succeeding *Li*'s "threshold first step" rejection suffices to clothe the Tax Court with jurisdiction. Alternatively, Meidinger's Amicus urges that *Li* was wrongly decided and should be overruled.[4] As explained *infra*, *Li* forecloses Meidinger's case and Kennedy's first two claims. Amicus's

[3] Because Meidinger and Kennedy advance similar arguments, we focus primarily on Meidinger's contentions. We address Kennedy's separate claims *infra* § II.C.

[4] Another amicus, the Anti-Fraud Coalition (TAF), participated in Kennedy's appeal and argued the case on his behalf. Our reference to "Amicus" is to Meidinger's court-appointed amicus. TAF is separately identified where appropriate.

argument that *Li* should be overruled fares no better. On Kennedy's third claim, we exercise jurisdiction and affirm the Tax Court.

A. *Li* Controls Meidinger's Petition

Amicus offers three bases to support our jurisdiction of Meidinger's appeal. First, *Li* involved a "rejection" of a Form 211 but Meidinger's claim was "denied." Second, the WBO sent Meidinger's Form 211 to an operating division for further examination, which constitutes "administrative action." Third, the plain text of § 7623(b) uses expansive terminology that encompasses the IRS's actions regarding Meidinger and Kennedy's claims.

1. Rejection vs. Denial

Amicus first argues that this case falls outside *Li* because that case involved a rejection of a Form 211 but Meidinger's Form 211 was denied. *See* 26 C.F.R. §§ 301.7623-3(c)(7) (rejection), (c)(8) (denial); *Li*, 22 F.4th at 1016–17 (holding that Tax Court jurisdiction is lacking at the "threshold first step," when the IRS renders an "initial rejection of a whistleblower award"). The IRS's final letter to Meidinger recites that his claim is "rejected," not "denied." But even if we disregard the agency's terminology, Amicus "read[s] too much into too little" by narrowly focusing on a single sentence plucked from *Li* rather than the logic of its reasoning. *Nat'l Pork Producers Council v. Ross*, 598 U.S. 356, 373 (2023).

As we recently held in *Shands v. Comm'r*, "*Li*'s jurisdictional rule does not turn on whether the IRS labeled its decision a 'rejection' or a 'denial.'" 111 F.4th 1, 9 (D.C. Cir. 2024). "Instead, our jurisdictional inquiry focuses on what the IRS *did*—*i.e.*, whether it '*proceed[ed]* with any administrative or judicial action.'" *Id.* (quoting *Li*, 22 F.4th at 1017). In other

words, unless the IRS initiates some action, there is no judicially reviewable decision. Nothing in the text of § 7623(b) speaks to rejections or denials; instead, the statute ties jurisdiction to a "determination regarding an award under paragraph (1), (2), or (3)," and such a determination arises only if there has been "administrative or judicial action." 26 U.S.C. § 7623(b)(1), (4).

2. WBO vs. Operating Division

The WBO referred Meidinger's Form 211 to an operating division, which reviewed Meidinger's claim and surveyed one taxpayer before ultimately recommending that the claim be disposed of. This, Amicus posits, constitutes administrative action. As *Lissack* explained, "[t]he phrase 'administrative action' [] generally refers to acts of executive agencies." 125 F.4th at 257. According to Amicus, the corollary is that any act by an executive agency constitutes a judicially reviewable administrative action. But *Lissack* went on to conclude that, in context, "administrative action[s]" are limited to "actions for 'detecting underpayments of tax' or 'detecting and bringing to trial' persons who violate or 'conniv[e]' to violate internal revenue laws." *Id.* (quoting 26 U.S.C. § 7623(a)). *Lissack* added that "two other phrases from subsection(b)(1)"—"'based on' and 'substantially contributed'"—"help inform the scope of 'administrative action'" as used in the statute. *Id.* (quoting 26 U.S.C. § 7623(b)(1)). These terms, *Lissack* explained, limit administrative actions to actions "on the discrete tax issue or issues the whistleblower's information identifies" if the whistleblower's "information has substantially contributed to the IRS's administrative action and its ultimate recovery." *Id.* Amicus's capacious reading of administrative actions is also inconsistent with *Li*. Although a threshold rejection of a Form 211 is an *executive* agency action, *Li* held—and *Lissack* did not disturb—that a threshold rejection

does not constitute an *administrative* action in the context of § 7623(b)(1).

We have no need here to flesh out the precise metes and bounds of the meaning of "proceed[ing] with any administrative . . . action." 26 U.S.C. § 7623(b)(1). Amicus offers only two distinctions between *Li* and this case: (i) Meidinger's Form 211 was sent to an IRS operating division and (ii) an agent within that division surveyed a taxpayer. Neither suffices.

First, unlike in *Li*, Meidinger's Form 211 was transmitted from the WBO to an operating division. That action does nothing to bridge the jurisdictional chasm, as § 7623(b) does not turn on which office of the IRS rejects (or denies) a Form 211. Although the statute vests the WBO with authority to process a whistleblower claim, it may choose to "investigate . . . matter[s] itself or assign [them] to the appropriate Internal Revenue Service office." TRHCA § 406(b)(1)(B); *see also* IRM pt. 25.2.2.1.2(1) (Mar. 13, 2023) ("[TRHCA] explicitly provides that the Whistleblower Office may determine whether to proceed with an action or refer the claim to another division for [its] consideration.").[5] Thus, any distinction between the WBO and the operating division is irrelevant and, in turn, Tax

[5] Pursuant to the cited authority, the IRS internally bifurcates responsibility for claims evaluation between the WBO and its operating divisions. The WBO conducts an initial prescreening before forwarding the claim to an operating division for classification and a determination of whether to initiate an investigation. IRM pts. 25.2.1.2 (Apr. 29, 2019), 25.2.1.3 (May 28, 2020). A WBO rejection incorporates the operating division's recommendation, which reflects "an enforcement decision of the operating division." IRM pts. 25.2.1.3(2) (May 28, 2020), 25.2.1.3.1 (Mar. 10, 2023), 25.2.1.3.5(1) (Mar. 10, 2023).

Court jurisdiction does not hinge on the WBO's choice to retain or transfer investigative authority.

Second, Amicus emphasizes that the operating division surveyed a taxpayer. But a taxpayer survey is simply a preliminary review used if the IRS decides "not to initiate an examination of the taxpayer." IRS Br. 27 n.4 (citing IRM pts. 4.10.2.5 (Sept. 29, 2022) & 4.10.2.5.1 (Sept. 9, 2019)); *see also* IRM pt. 4.10.2.1.4(1) (Sept. 9, 2019). In *Li*, a WBO classifier had similarly "reviewed . . . the target taxpayer's . . . tax returns," yet that was not deemed an administrative action. 22 F.4th at 1015. A survey is no more than preliminary and cursory review that falls short of an administrative action. Rather, it is the same type of conduct this Court previously found jurisdictionally immaterial in *Li*.

3. Section 7623(b)(4)'s Plain Text

Amicus next argues that Meidinger's case falls within the plain text of 26 U.S.C. § 7623(b)(4). The argument works like this: Section 7623(b)(4) grants the Tax Court jurisdiction of "[a]ny determination regarding an award under paragraph (1), (2), or (3)." Amicus cites a variety of dictionaries and caselaw to show that the words "any," "determination" and "regarding" all have broad and expansive meaning. It notes that courts employ a clear statement rule before treating a statutory requirement as jurisdictional. *See, e.g.*, *Gonzalez v. Thaler*, 565 U.S. 134, 141–42 (2012). And Amicus highlights legislative history that suggests the Congress intended to allow whistleblowers to appeal award denials. Thus, Amicus contends, there is an overriding gravitational pull in favor of jurisdiction. *Li* carved out from this broad jurisdictional grant a narrow sliver of cases that are rejected at the "threshold first step." Once a whistleblower's claim advances past this first step, Amicus asserts, *Li*'s logic runs out and § 7623(b)(4) takes

over. That argument has no purchase. Statutory text, context and background principles of administrative law uniformly show that *Li*'s reach is more expansive than Amicus credits.

Under § 7623(b)(4), the Tax Court "shall have jurisdiction" over "[a]ny determination regarding an award under paragraph (1), (2), or (3)" of subsection (b). When read in isolation, this language seems to fit the expansive jurisdictional scope that Amicus presses. But "[s]tatutory language has meaning only in context." *Graham Cnty. Soil & Water Conservation Dist. v. U.S. ex rel. Wilson*, 545 U.S. 409, 415 (2005). That context supports a narrower read than the words might suggest when read "with blinders on." *Abramski v. United States*, 573 U.S. 169, 179 n.6 (2014); *cf. Mellouli v. Lynch*, 575 U.S. 798, 811–12 (2015) (cautioning that because the words "relating to," "extended to the furthest stretch of their indeterminacy, stop nowhere," courts should ascertain whether "context" supports "a narrower reading") (citation modified). The relevant context of a § 7623(b)(4) "determination" is its cross-references to paragraphs (1)–(3).

Paragraph (1) speaks to "[t]he *determination* of the amount of such award by the Whistleblower Office," which "shall depend upon the extent to which the individual substantially contributed to such action." 26 U.S.C. § 7623(b)(1) (emphasis added). Paragraph (2) references that same determination: "the Whistleblower Office['s] determin[ation]" that an "action described in paragraph (1)" is "based principally on" information other than that provided by the whistleblower, thereby warranting a reduction in the award. *Id.* § 7623(b)(2)(A). Finally, paragraph (3) addresses cases in which the WBO's "determin[ation] that the claim for an award under paragraph (1) or (2) is brought by an individual who planned and initiated the actions that led to the underpayment of tax" or was convicted of violating internal revenue laws. *Id.*

§ 7623(b)(3). The use of "identical words . . . in different parts of the same act" indicates that those words "are intended to have the same meaning." *Pereira v. Sessions*, 585 U.S. 198, 211 (2018). A "determination" under paragraph (4) thus refers to a discrete set of decisions:

> (i) Any "determination of the amount of [the whistleblower's] award," 26 U.S.C. § 7623(b)(1), including any reductions in the award because the action was "based principally on disclosures" from sources other than the whistleblower, *id.* § 7623(b)(2)(A), or the whistleblower "planned and initiated the actions that led to" tax underpayment or was convicted of violating IRS laws, *id.* § 7623(b)(3); or
>
> (ii) Any determination of "the extent to which the [whistleblower] substantially contributed to [the] action," *id.* § 7623(b)(1); or "the significance of the individual's information and the role of such individual . . . in contributing to such action," *id.* § 7623(b)(2)(A).

These determinations are all predicated on the IRS commencing an administrative or judicial action against a taxpayer based on information provided by the whistleblower. *See id.* § 7623(b)(1) ("If the Secretary *proceeds with any administrative or judicial action* described in subsection (a) . . . .") (emphasis added); *id.* § 7623(b)(2)(A) ("In the event the *action* described in paragraph (1) is . . . .") (emphasis added); *id.* § 7623(b)(3) (directing the WBO to reduce or deny the whistleblower's final award). Indeed, subsection (b) in its entirety applies only "with respect to *any action* . . . against any taxpayer" if "the proceeds in dispute exceed $2,000,000." *Id.*

§ 7623(b)(5) (emphasis added); *cf. Comm'r v. Zuch*, 605 U.S. __, 2025 WL 1657419, at *4 (2025) (interpreting "determination" in a parallel portion of the internal revenue law to refer to an "ultimate 'determination'" at the end of an administrative proceeding). As *Li* explained, the IRS's threshold rejection of a Form 211 does not fall into any of these three buckets. But there are actions other than a threshold rejection—including sending a Form 211 to an operating division—that do not constitute a § 7623(b) determination.

Other contextual clues drive this point home. All of the award determinations in paragraphs (1)–(3) are for the WBO to make in the first instance. The decision to commence an action, however, rests in the Secretary's unfettered discretion. *See id.* § 7623(b)(1) ("*If* the Secretary proceeds with any administrative or judicial action . . . .") (emphasis added); *Cohen v. Comm'r*, 139 T.C. 299, 302 (2012), *aff'd*, 550 F. App'x 10 (D.C. Cir. 2014) (holding that § 7623 does not "confer authority to direct the Commissioner to commence an administrative or judicial action"); *Meidinger*, 559 F. App'x at 6 (similarly acknowledging that the Tax Court cannot "direct the Secretary to proceed with an administrative or judicial action" or "compel the IRS to provide an explanation for its decision" not to act, as the Tax Court may only "grant relief if the IRS has initiated a proceeding against a taxpayer" (quotations omitted)). It would be anomalous to interpret § 7623(b)(4) to confer jurisdiction of a category of cases regarding which the same statute precludes any form of relief. *See Zuch*, 2025 WL 1657419, at *5 (treating the Tax Court's inability to provide relief in a category of cases as indicative of its lack of jurisdiction over those cases).

A more limited read, by contrast, accords with background rules of administrative law. The whistleblower statute allows private citizens to "bring [] matter[s] to the [IRS]'s attention

and request it to file" an action. *FTC v. Klesner*, 280 U.S. 19, 25 (1929) (addressing a similar whistleblower statute). "But a denial of his request is final," *id.*, because the IRS "alone is empowered to develop that enforcement policy best calculated to achieve the ends contemplated by Congress and to allocate its available funds and personnel in such a way as to execute its policy," *Moog Indus., Inc. v. FTC*, 355 U.S. 411, 413 (1958).

Our read reflects the broader principle that the "decision not to prosecute or enforce . . . is a decision generally committed to an agency's absolute discretion." *Heckler v. Chaney*, 470 U.S. 821, 831 (1985); *see* 5 U.S.C. § 701(a)(2) (exempting from judicial review actions "committed to agency discretion by law"); *Inv. Co. Inst. v. Fed. Deposit Ins. Corp.*, 728 F.2d 518, 526 (D.C. Cir. 1984) ("An agency's decision to refrain from an investigation or an enforcement action is generally unreviewable . . . .") (citation omitted); *Krug v. Comm'r*, 120 A.F.T.R.2d (RIA) 2017-6480 (D.C. Cir. 2017) (per curiam) ("The Commissioner has discretion whether to initiate an action against a taxpayer; the courts cannot compel the Commissioner to initiate such action . . . ."); *Shands*, 111 F.4th at 11 (Pillard, J., concurring) (explaining that "*Li* erected no novel or formidable obstacle to the Tax Court's jurisdiction" but simply reflected that it has "jurisdiction over appeals of award determinations—not exercises of non-enforcement discretion") (citation modified).

The IRS's decision to deny a claim often rests on the agency's decision not to bring an enforcement proceeding against a taxpayer. The statutory context and the broader *corpus juris* thus counsel against reading § 7623(b) to encompass an IRS determination not to proceed with a whistleblower's claim.

Amicus's other arguments fare no better. *First*, Amicus presses the clear statement rule governing the treatment of a statutory requirement as jurisdictional. But § 7623(b)(4)'s jurisdictional grant includes an express textual reference to the requirements of paragraphs (1)–(3), thus satisfying the clear statement rule's "high bar." *Harrow v. Dep't of Def.*, 601 U.S. 480, 484 (2024) (quotation omitted). Moreover, the "Tax Court is a court of limited jurisdiction" that may exercise only the jurisdiction expressly conferred on it by the Congress. *Comm'r v. McCoy*, 484 U.S. 3, 7 (1987) (per curiam); *accord Greene-Thapedi v. Comm'r*, 126 T.C. 1, 6 (2006); *Wilson v. Comm'r*, 805 F.3d 316, 319–20 (D.C. Cir. 2015). As such, its jurisdiction is "strictly construed." *Bowen v. Massachusetts*, 487 U.S. 879, 908 n.46 (1988).

Second, Amicus cites a pair of staff technical reports on the 2006 amendments, which state that a whistleblower may "appeal the amount or a denial of an award determination." Joint Committee on Taxation, *Technical Explanation of H.R. 6408, The "Tax Relief and Health Care Act of 2006," as Introduced in the House on December 7, 2006 (JCX-50-06)* 89 (Dec. 7, 2006); Joint Committee on Taxation, *General Explanation of Tax Legislation Enacted in the 109th Congress (JCS-1-07)* 745–46 (Jan. 17, 2007) (same). The latter report is a post-enactment "Blue Book [] prepared by the staff of the Joint Committee on Taxation as commentaries on [the] recently passed tax law[]." *United States v. Woods*, 571 U.S. 31, 47 (2013). Such post-enactment reports are "not a legitimate tool of statutory interpretation." *Id.* at 48 (quotation omitted). As to the earlier report, the quoted language may simply abbreviate its description of the award denials contemplated by § 7623(b)(3).

TAF notes that the staff report's language does not limit itself to the narrow circumstance of a § 7623(b)(3) denial, but

the parties' debate over how to parse an isolated line plucked from a committee report is precisely why courts have abandoned their rote use of legislative history. "[L]egislative history is not the law" and, insofar as it is ever a proper source for divining congressional intent, it is only to *resolve* an ambiguity, not to *create* one by "muddy[ing] clear statutory language." *Azar v. Allina Health Servs.*, 587 U.S. 566, 579 (2019) (quotations omitted); *see Int'l Bhd. of Elec. Workers, Loc. Union No. 474 v. N.L.R.B.*, 814 F.2d 697, 700 (D.C. Cir. 1987) ("[C]ourts have no authority to *enforce* alleged principles gleaned *solely* from legislative history that has no statutory reference point.").

Third, and finally, Amicus claims that we previously held that "a letter that 'notifies a whistleblower of the Whistleblower Office's final decision on his claim' is a 'determination' under section 7623." Amicus Br. 21 (internal alterations omitted) (quoting *Myers*, 928 F.3d at 1033). But *Li* took notice of this language from *Myers* and explained that "[u]pon review . . . this statement is not a holding" and "does not bind our decision" on § 7623(b)(4)'s scope. 22 F.4th at 1017–18. It likewise does not bind our decision here.

In sum, § 7623(b)(4) requires that the IRS first proceed with an administrative or judicial action against a taxpayer before the Tax Court can exercise jurisdiction. The agency's decision "not to pursue the [whistleblower's] information," S.A.1, whether labeled a rejection or a denial, and whether rendered by the WBO or an operating division, is emphatically not a § 7623(b) action. Without such action, there is no "determination regarding an award under paragraph (1), (2), or (3)," and thus nothing that can be appealed. 26 U.S.C. § 7623(b)(4). This accords not only with the text in context but with ordinary rules of prosecutorial discretion. As we explained in *Li*, and reemphasize today, the IRS must first

proceed "with an action against . . . [a] taxpayer" before the Tax Court can exercise jurisdiction. 22 F.4th at 1017. Rejecting a Form 211 at the threshold step means the IRS has not taken such an action. The only difference between *Li* and this case is that the WBO sent the Form 211 to an operating division—which deemed the form conclusory—before the WBO itself concluded that Meidinger's Form 211 was "vague and speculative" and should be rejected. *Id.* Nothing in the text of § 7623(b)(4), *Li*'s holding or common sense suggests that intra-agency transfers should lead to a different outcome.

* * *

Amicus's various arguments all represent variations on the same theme: limiting *Li*'s holding. If a whistleblower can show that his form has advanced even one paper-shuffle more than Li's, Tax Court jurisdiction arises. But the phrase "threshold review" appears nowhere in statutory text. Nor did *Li* rest on so flimsy a foundation. At bottom, Amicus's line-drawing exposes its primary theory of this case: *Li* was wrongly decided and should be overruled. That argument is addressed below.

B. We Decline Amicus's Invitation to Revisit *Li*

Amicus argues in the alternative that *Li* was wrongly decided and should be overruled. Amicus acknowledges that a panel lacks the power to overturn Circuit precedent, and so asks that we request an "*en banc* hearing and disposition of [this] appeal in lieu of issuing a panel decision." CADC, *Policy Statement on En Banc Endorsement of Panel Decisions* 3 (Jan. 17, 1996).

It is a fundamental maxim that "we are . . . bound to follow circuit precedent absent contrary authority from an en banc court or the Supreme Court." *United States v. Carson*, 455 F.3d 336, 384 n.43 (D.C. Cir. 2006) (per curiam). "[T]he rule

of law demands that . . . [d]eparture from precedent" be the exception, *Randall v. Sorrell*, 548 U.S. 230, 244 (2006) (Breyer, J., plurality opinion) (quoting *Arizona v. Rumsey*, 467 U.S. 203, 212 (1984)), and only if there is "special justification" beyond the belief "that the precedent was wrongly decided," *Kimble v. Marvel Ent., LLC*, 576 U.S. 446, 456 (2015). *Stare decisis* is at its zenith "[i]n matters of statutory interpretation," *LaRue v. DeWolff, Boberg & Assocs., Inc.*, 552 U.S. 248, 260 (2008) (Roberts, C.J., concurring), regarding which the "Congress remains free to alter what we have done," *Halliburton Co. v. Erica P. John Fund, Inc.*, 573 U.S. 258, 274 (2014) (quotations omitted). This Court has described the "range of circumstances" in which a "statutory precedent" should be overturned as "narrow." *United States v. Burwell*, 690 F.3d 500, 504 (D.C. Cir. 2012) (*en banc*). These circumscribed circumstances include an "intervening development of the law," a "conceptual underpinning[of] the prior decision" has been "removed or weakened," a precedent has proved "detriment[al] to coherence and consistency in the law" or an interpretation has been refuted persuasively by "other circuits." *Id.* (quotations removed). Even then, *en banc* review serves only "two purposes: to ensure the consistency of our caselaw and to resolve issues of exceptional importance." *Id.* at 517 (Henderson, J., concurring) (citing Fed. R. App. P. 35(a)).

Amicus does not come close to scaling this high wall. It terms *Li* "unworkable" because "[n]either *Li* nor *Lissack* delineates the precise line between an unreviewable threshold rejection and a reviewable determination, leaving a large swath of IRS actions on uncertain jurisdictional grounds." Amicus Br. 33 (citation modified). What Amicus decries as imprecision is no more than judicial minimalism: "if it is not necessary to decide more, it is necessary not to decide more." *PDK Labs. Inc. v. DEA*, 362 F.3d 786, 799 (D.C. Cir. 2004)

(Roberts, J., concurring). *Li* and *Lissack* wisely chose not to reach out and decide issues not before them. "[A]s is true with so many legal standards for judging concrete cases," the limits must sometimes be "marked out through case-by-case adjudication." *Bose Corp. v. Consumers Union of U.S., Inc.*, 466 U.S. 485, 503 (1984). *Li* was decided only three years ago. *Lissack* is of even more recent vintage.

Amicus notes that a whistleblower is forced into a "particularly opaque" process because the IRS may not provide "the full administrative record detailing how the IRS treated [a] claim." Amicus Br. 34. If true, that provides a reason for the IRS to improve its bookkeeping, not for this Court to revisit its precedent. In any event, the jurisdictional line drawn by *Li* and its progeny is not a particularly difficult one to trace. As *Shands* explained, whether the IRS has proceeded with an administrative or judicial action "does not turn on" the IRS's internal claims processing procedures but "on what the IRS *did*." 111 F.4th at 9. It is thus irrelevant "whether the IRS labeled its decision a 'rejection' or a 'denial'" or whether the IRS disposed of a claim *via* the WBO or an operating division. *Id.* Jurisdiction vests once the IRS chooses to act against a taxpayer based on information alleged by a whistleblower. That is a readily administrable line to follow. More importantly, it is the line that the Congress chose to set.

C. Kennedy's Petition

The foregoing analysis deprives the Tax Court—and in turn, this Court—of jurisdiction of Meidinger's claims and Kennedy's first two claims. As with Meidinger, Kennedy's claims one and two were forwarded to an IRS operating division, which then took no administrative or judicial action on either claim. Claim one languished in the agency because the divisions could not resolve which, if any, should investigate

the claim. The IRS took no action on claim two because a cursory investigation revealed that the accused taxpayer was a defunct corporation. Unlike with Meidinger, the IRS described Kennedy's final rejection letter as a "denial" rather than a "rejection." But as explained above, there is no jurisdictional import to that difference in labels. There are no material facts to differentiate Meidinger's case from Kennedy's first two claims. The Tax Court thus lacked jurisdiction to entertain these two claims.

As to Kennedy's final claim, the IRS proceeded with an administrative action: it examined (i.e., audited) the accused taxpayer. This is precisely the conduct that *Lissack* found sufficient to confer jurisdiction. *See Lissack*, 125 F.4th at 255 ("The fact that the IRS conducted an examination here suffices to distinguish Lissack's case from *Li*."); *see also Shands*, 111 F.4th at 9 (suggesting that if a taxpayer "faced an audit that was triggered by [a whistleblower's] disclosure," that could suffice for jurisdiction). Because there was an administrative action based on Kennedy's information, the Tax Court properly exercised jurisdiction of Kennedy's third claim.

The Tax Court also properly rejected Kennedy's third claim on the merits. Following its audit, the IRS made no change to the taxpayer's return and collected no proceeds. Kennedy alleges that "proceeds were collected" but the portion of the record he cites is a pre-audit form of the taxpayer that recounts nothing of the sort. Elsewhere, the record indicates that no proceeds were collected, as the IRS asserted in its internal correspondence, in the proceeding below and on appeal, and as the Tax Court so held. Because the IRS collected no proceeds against the accused taxpayer, the Tax Court properly held that Kennedy was not entitled to any award as a matter of law.

* * *

For the foregoing reasons, we dismiss Meidinger's appeal for lack of jurisdiction and dismiss claims one and two of Kennedy's appeal for the same jurisdictional deficiency. We affirm the Tax Court's rejection of Kennedy's third claim on the merits.

So ordered.

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 21-1133 **September Term, 2024**

USTC-5687-17W

Filed On: July 8, 2025

Patrick Kennedy,

Appellant

v.

Commissioner of Internal Revenue,

Appellee

No. 22-1239

USTC-3337-20W

Roy J. Meidinger, Sr.,

Appellant

v.

Commissioner of Internal Revenue,

Appellee

BEFORE: Henderson, Millett, and Walker, Circuit Judges

ORDER

Upon consideration of appellant Patrick Kennedy's motion for leave to supplement the appellate record and stay reply filing schedule lodged appendix with sealed exhibit, and the lodged sealed supplement; and appellant Meidinger's motion to file an oral argument statement and for leave to file a supplemental brief, and the lodged supplemental brief, it is

ORDERED that the motions be dismissed as moot in light of the court's opinion issued herein this date.

FOR THE COURT:
Clifton B. Cislak, Clerk

BY: /s/
Michael C. McGrail
Deputy Clerk

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22-1239 **September Term, 2025**

USTC-3337-20W

Filed On: December 19, 2025

Roy J. Meidinger, Sr.,

Appellant

v.

Commissioner of Internal Revenue,

Appellee

BEFORE: Henderson, Rao, and Walker, Circuit Judges

ORDER

Upon consideration of appellant's petition for panel rehearing filed on July 10, 2025, and the letter and supplement thereto; and the motion for leave to file a supplemental background memorandum, it is

ORDERED that the motion be denied. It is

FURTHER ORDERED that the petition be denied.

Per Curiam

FOR THE COURT:
Clifton B. Cislak, Clerk

BY: /s/
Lillian Wright
Deputy Clerk

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22-1239 **September Term, 2025**

USTC-3337-20W

Filed On: December 19, 2025

Roy J. Meidinger, Sr.,

Appellant

v.

Commissioner of Internal Revenue,

Appellee

BEFORE: Srinivasan, Chief Judge; Henderson, Millett, Pillard, Wilkins, Katsas, Rao, Walker, Childs, Pan, and Garcia, Circuit Judges

ORDER

Upon consideration of appellant's petition for rehearing en banc filed on July 10, 2025, and the letter and supplement thereto; the motion for leave to file a supplemental background memorandum; and the motion for leave to participate as amicus curiae and lodged brief, it is

ORDERED that the motion for leave to file a supplemental background memorandum be denied. It is

FURTHER ORDERED that the motion for leave to participate as amicus curiae be granted. The Clerk is directed to file the lodged brief. It is

FURTHER ORDERED that the petition be denied.

Per Curiam

FOR THE COURT:
Clifton B. Cislak, Clerk
BY: /s/
Lillian R. Wright
Deputy Clerk

APPENDIX B

Order of the United States Tax Court

Appendix B contains the order of the United States Tax Court dismissing the whistleblower case. The Tax Court concluded that it lacked jurisdiction to consider the claim and did not engage in factual review or analysis of the alleged tax violations. This appendix reflects the initial judicial decision at issue.

United States Tax Court
Washington, DC 20217

ROY J. MEIDINGER,

Petitioner

v.

COMMISSIONER OF INTERNAL REVENUE,

Respondent

Docket No. 3337-20W

ORDER AND ORDER OF DISMISSAL FOR LACK OF JURISDICTION

Petitioner seeks in this case review of a notice of determination under section 7623 concerning whistleblower action. The notice of determination on which this case is based states: "The claim has been rejected because the IRS decided not to pursue the information you provided."

By opinion issued January 11, 2022, in the case of *Li v. Commissioner*, 22 F.4th 1014 (D.C. Cir. 2022), the Court of Appeals for the District of Columbia Circuit held that the Tax Court lacks subject matter jurisdiction of whistleblower cases, such as this one, involving threshold rejections of claims for whistleblower award. By Order issued March 4, 2022, proceedings in this case were stayed pending the final outcome of *Li v. Commissioner*. The court of appeals' judgment in that case is now final.

Accordingly, upon due consideration of the foregoing, it is

ORDERED that the stay of proceedings in this case is lifted. It is further

ORDERED that this case is dismissed for lack of jurisdiction. It is further

ORDERED that the parties are no longer required to file status reports on or before September 6, 2022. It is further

ORDERED that all pending motions are denied as moot.

(Signed) Kathleen Kerrigan
Chief Judge

Entered and Served 07/05/22

APPENDIX C

IRS Whistleblower Final Determination Letter

Appendix C contains the final determination letter issued by the IRS Whistleblower Office. The letter rejected the whistleblower claim, stating that no tax revenue was collected and that the information provided was speculative, without explaining the factual or legal basis for that conclusion.

DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE

WHISTLEBLOWER OFFICE

Date: 01/31/2020

ROY J MEIDINGER
14893 AMERICAN EAGLE CT
FORT MYERS, FL 33912-1712

Re: Claim Number(s) 2019-011231

Dear Roy J Meidinger:

FINAL DECISION UNDER SECTION 7623(a)

The Whistleblower Office has considered your Form 211, Application for Award for Original Information, dated 07/18/2019. Internal Revenue Code section 7623 provides that an award may be paid only if the information provided results in the collection of tax, penalties, interest, additions to tax, or additional amounts. The Whistleblower Office has made a final decision to reject your claim for an award.

The claim has been rejected because the IRS decided not to pursue the information you provided.

This letter is a final determination for purposes of filing a petition with the United States Tax Court. If you disagree with this determination, you have 30 days from the date of this letter to file a petition with the Tax Court. Information about filing a petition can be found on the Tax Court's website.

If you have any questions regarding this letter, please feel free to contact the Whistleblower Office at 801-620-2169.

Sincerely,

/s/ Layne Carver for

Joseph Hebb, Program Manager
Whistleblower Office, SPPA

Appendix D

Guide Summary

Appendix D sets forth the statutory and judicial framework governing IRS whistleblower determinations and the standards for judicial review of final agency action. It shows that Congress expressly provided for judicial review under **26 U.S.C. § 7623(b)(4)** and that review of Tax Court decisions proceeds under traditional bench-trial standards.

The Appendix explains how the **Administrative Procedure Act** requires final agency action to be reviewable and supported by a reasoned explanation, and why unexplained or conclusory rejection letters issued by the IRS Whistleblower Office fail to satisfy those requirements. It also identifies the income-recognition and reporting statutes implicated by the whistleblower submission solely to provide legal context for the agency's duty to issue a lawful determination.

Appendix D does not seek enforcement action, adjudication of tax liability, or disclosure of confidential taxpayer information. Its purpose is limited to demonstrating that the decisions below conflict with statutory text and settled administrative-law principles by insulating final agency action from judicial review.

APPENDIX D

Statutory, Regulatory, and Judicial Framework Governing IRS Whistleblower Determinations and Judicial Review

This Appendix sets forth the statutory, regulatory, and judicial authorities governing the IRS Whistleblower Program and the standards applicable to judicial review of final agency action. It is submitted to provide the legal framework necessary to evaluate the Questions Presented and the errors reflected in the decisions below.

I. Statutory Basis for Judicial Review

Congress expressly granted the United States Tax Court jurisdiction over whistleblower determinations in 26 U.S.C. § 7623(b)(4). That grant may not be nullified by agency discretion or judicially created limitations.

II. Scope of Appellate Review

Under 26 U.S.C. § 7482(a)(1), appellate courts review Tax Court decisions under the same standards applicable to civil bench trials, requiring findings and reasoned explanations sufficient for review.

III. Administrative Procedure Act Requirements

The Administrative Procedure Act establishes a presumption of reviewability, defines final agency action, and requires courts to set aside agency action that is arbitrary, capricious, or unsupported by reasoned explanation.

IV. Income Recognition Framework

The Internal Revenue Code requires income recognition when the right to receive income is fixed and mandates reporting of discharged indebtedness. These provisions provide context for the whistleblower submission without requiring judicial adjudication of tax liability.

V. Judicial Precedent on Reasoned Decision-Making

This Court's precedents require agencies to articulate the grounds for final action and prohibit courts from supplying post hoc rationalizations.

VI. Clarification of Relief

The relief implicated by these authorities is limited to judicial review and remand for a lawful, reasoned agency determination.

APPENDIX E

Unified Statement of the Whistleblower Tax Evasion Claim

Appendix E presents a unified factual and legal explanation of the whistleblower claim. It describes how medical billing creates legally enforceable debt, how income is required to be recognized under accrual accounting, how post-billing write-offs are mischaracterized, and how provider–insurer arrangements embed unlawful kickbacks. This appendix explains the substance of the alleged tax violations.

APPENDIX E

Unified Statement and Background of the Whistleblower Tax Evasion Claim

Healthcare Billing, Accounting Practices, and Federal Enforcement Failure

This Appendix consolidates and preserves all factual, accounting, and structural issues identified in Petitioner's whistleblower claim. It integrates prior versions of Appendix E into a single, coherent presentation for the Court's review.

This Appendix does not seek adjudication of tax liability, enforcement action, or disclosure of confidential taxpayer information. Its purpose is to present the nature, scope, and national significance of the alleged practices foreclosed from review by the jurisdictional dismissals below.

I. Unified Statement of the Whistleblower Claim

APPENDIX E

Unified Statement of the Whistleblower Tax Evasion Claim: Healthcare Billing, Accounting, and Federal Enforcement Failure

This Appendix consolidates all factual, accounting, legal, and structural issues underlying Petitioner's whistleblower claim into a single, integrated statement. It is intended to present, in one coherent narrative, the alleged tax evasion scheme identified in the healthcare industry and the reasons that meaningful judicial and administrative review is required.

This Appendix does not seek adjudication of tax liability. Rather, it demonstrates the nature, scope, and seriousness of the issues foreclosed from review by the jurisdictional dismissals below.

I. Creation of Legal Debt Through Medical Billing

When a healthcare provider issues a medical bill after services are rendered, a legally enforceable debt is created. The bill states the standard charges for services and identifies the patient as the obligor. For accrual-method taxpayers, federal tax law requires income recognition when the right to payment becomes fixed, and the amount can be determined with reasonable accuracy.

The act of billing satisfies this requirement. Subsequent collection outcomes do not alter the existence of income at the time the debt is created.

II. Two-Bill Structure in Insured Healthcare Transactions

In insured transactions, two distinct billing streams exist.

First, the provider issues the medical bill stating standard charges. This bill is transmitted to the insurance company, which assumes the patient's medical debt

under the insurance contract.

Second, the provider issues a separate statement to the patient for co-payments, deductibles, and secondary insurance obligations. These amounts are owed to the insurance company, not the provider. The provider collects these amounts as an agent for the insurer and applies them to satisfy the insurer's assumed obligation.

III. Accrual Accounting and Income Recognition Requirements

Federal tax law requires accrual-method taxpayers to recognize income when the right to payment is fixed. Healthcare providers routinely maintain accrual-based records for billing and for Medicare and Medicaid cost reporting.

Despite this, providers frequently report income to the IRS as if operating on a cash basis, recognizing only amounts actually collected. This practice conflicts with statutory requirements under the Internal Revenue Code.

IV. Misuse of Contractual Adjustments and Cancellation of Debt

After billing, providers often accept reduced payments from insurers and do not pursue the remaining balance. The industry labels the difference as a "contractual

adjustment."

The Internal Revenue Code does not recognize contractual adjustments as a category of exclusion or deduction. When a legally enforceable debt is reduced or forgiven after billing, the economic substance is cancellation of indebtedness. Such cancellations constitute gross income unless a statutory exclusion applies.

V. Provider–Insurer Transactions and Embedded Kickbacks

The financial transaction between providers and insurers extends beyond medical services. Insurers receive economic benefits such as patient steering, network exclusivity, and volume guarantees in exchange for negotiated payment rates.

The difference between billed charges and insurer payments functions as consideration paid by providers to insurers. Federal law prohibits kickbacks for patient steering, and the Internal Revenue Code disallows deductions for such unlawful payments.

VI. Not-for-Profit Status Does Not Eliminate Tax Obligations

Many hospitals operate as not-for-profit entities, but tax-exempt status does not

exempt an organization from income-recognition rules or from prohibitions on unlawful payments.

While revenue attributable to charitable medical services may qualify for favorable treatment, amounts allocable to debt forgiveness or kickbacks are not protected by tax-exempt status and must be properly recognized.

VII. Patient Duress and Market Failure in Healthcare

Healthcare transactions occur under conditions of duress. Patients facing pain, disability, or death cannot negotiate price or make informed economic choices. This eliminates normal market discipline and requires heightened oversight.

Treating healthcare as an ordinary competitive market has enabled abuse, non-transparency, and unchecked pricing practices.

VIII. CMS Cost Reports and IRS Tax Reporting Disconnect

Providers participating in Medicare and Medicaid must file detailed annual cost reports disclosing billed revenues and deductions. These reports are used by CMS and state agencies to calculate government reimbursements.

The IRS separately evaluates taxable income and does not systematically reconcile cost reports with income tax filings. This allows providers to report higher revenues to CMS while reporting lower income to the IRS, resulting in both overpayment of government benefits and under-collection of taxes.

IX. Systemic Non-Enforcement and Normalization of Noncompliance

Cultural deference to healthcare providers and fragmented federal oversight have resulted in lax enforcement of tax laws governing income recognition, cancellation of debt, and unlawful payments.

As enforcement weakened, noncompliant practices became normalized across the industry, and whistleblower claims were dismissed without factual examination.

X. National Scope and Importance of the Claim

The practices described are national in scope. Major insurance companies operate across state lines, and uniform billing and pricing structures affect interstate commerce, federal healthcare programs, inflation measures, and tax revenues.

Congress enacted the whistleblower statute to expose precisely such systemic violations. Judicial review is necessary to restore lawful administration of the Internal Revenue Code.

XI. Conclusion

This Appendix presents a unified account of the whistleblower claim: legally enforceable debts are created through medical billing; post-billing write-offs are mischaracterized; kickbacks are embedded in prices; accrual accounting is disregarded; and federal agencies operate without reconciliation.

Absent judicial review, these practices remain insulated from scrutiny, contrary to congressional intent and the rule of law.

II. Background and Accounting Context

APPENDIX E (Updated)

BACKGROUND ON ACCOUNTING PRACTICES IDENTIFIED IN PETITIONER'S WHISTLEBLOWER CLAIM

This Appendix provides background material relevant to the whistleblower claim

submitted by Petitioner. It is not offered to resolve the merits of any tax liability, but to demonstrate the nature of the issues foreclosed from review by the decisions below.

Healthcare providers routinely bill patients at standard charge rates. Insurers subsequently remit lower amounts pursuant to network agreements, and the difference is often recorded as a "contractual adjustment." In many instances, however, the patient remains legally liable for the full amount billed, and the reduction functions as a cancellation of indebtedness rather than a negotiated price reduction.

Under long-established accrual accounting principles and federal tax law, cancellation of indebtedness may constitute taxable income and requires factual determination. The classification of such amounts as non-taxable contractual adjustments raises questions of income recognition, reporting accuracy, and compliance with the Internal Revenue Code.

The IRS Whistleblower Office rejected Petitioner's claim without findings of fact or explanation addressing these accounting practices. The absence of judicial review prevents any examination of whether these practices comply with federal tax law, illustrating the exceptional importance of the questions presented in the Petition.

III. Purpose and Relevance to the Petition

Appendix E provides factual and accounting context demonstrating why judicial review is essential. It supports the Petition by illustrating the systemic nature of the issues raised and the consequences of insulating final agency action from review.

APPENDIX F

CMS Cost Reports and IRS Reporting Disconnect

Appendix F explains the structural disconnect between Medicare and Medicaid cost reports submitted to CMS and income tax reporting reviewed by the IRS. It describes how providers report billed revenues and deductions for reimbursement purposes while reporting reduced income for tax purposes, without reconciliation between agencies.

APPENDIX F

Disconnection Between CMS Cost Reports and IRS Income Tax Enforcement

This Appendix addresses a critical structural failure in federal oversight of healthcare finances: the separation between Medicare and Medicaid cost reporting reviewed by the Centers for Medicare & Medicaid Services (CMS) and income reporting reviewed by the Internal Revenue Service (IRS). The lack of reconciliation between these two reporting regimes permits systematic distortion of revenue, reimbursement, and tax liability.

I. Medicare and Medicaid Providers Must File Annual Cost Reports

Healthcare providers participating in Medicare and Medicaid are required to file detailed annual cost reports with CMS and state Medicaid agencies. These cost reports disclose billed charges, contractual allowances, write-offs, charity care, bad debt, and reimbursable costs.

Federal and state agencies rely on these reports to calculate reimbursement rates, determine allowable costs, and estimate government payment obligations. The reports reflect gross billed revenues and associated deductions, not merely cash received.

II. CMS Uses Cost Reports to Calculate Government Payments

CMS and state Medicaid agencies use provider cost reports to determine how much the government should pay for healthcare services. The methodology assumes that reported charges and deductions accurately reflect the provider's financial operations.

Reimbursement formulas incorporate billed charges, cost-to-charge ratios, and reported write-offs. Inflated charges and mischaracterized deductions therefore directly increase government payment obligations.

III. IRS Separately Calculates Taxable Income

The IRS, by contrast, evaluates provider income solely for purposes of determining federal tax liability. In practice, the IRS often relies on provider income statements that reflect only cash receipts rather than accrued revenues created at billing.

This results in a paradox: the same provider reports one version of revenue to CMS to maximize government reimbursement and a different version to the IRS to minimize taxable income.

IV. No Reconciliation Between CMS and IRS Reporting

CMS and the IRS operate independently and do not systematically compare provider cost reports with income tax filings. There is no mandatory reconciliation of billed revenues, write-offs, or contractual allowances between the two agencies.

As a result, discrepancies between cost report revenue and tax-reported income often go undetected. This structural separation enables providers to benefit simultaneously from inflated reimbursement and reduced tax liability.

V. Distorted Incentives and Federal Losses

The absence of cross-agency reconciliation creates distorted incentives. Providers are rewarded for reporting higher charges and deductions to CMS while reporting lower income to the IRS.

This dual-reporting structure shifts costs to taxpayers twice: once through higher Medicare and Medicaid payments and again through reduced tax collections.

VI. Conflict With Accrual Accounting Requirements

Federal tax law requires accrual-method taxpayers to recognize income when the right to payment is fixed. Cost reports submitted to CMS already reflect accrued charges and deductions, demonstrating that providers can and do track accrual-based data.

Permitting providers to report income to the IRS on a de facto cash basis contradicts statutory requirements and creates inconsistency within the federal government's own accounting systems.

VII. Need for Unified Federal Review

The federal government cannot accurately assess healthcare costs or tax compliance while CMS and the IRS operate in silos. Meaningful enforcement requires reconciliation of cost report data with income tax filings and examination of discrepancies.

The whistleblower statute was enacted to surface precisely these types of systemic failures. Judicial review is necessary to address this inter-agency disconnect and enforce uniform application of federal law.

VIII. Conclusion

The separation between CMS reimbursement calculations and IRS tax enforcement allows healthcare providers to exploit inconsistent reporting regimes. Without reconciliation, the federal government both overpays for services and under-collects taxes.

This Appendix demonstrates why examination of CMS cost reports alongside IRS income reporting is essential to lawful administration of federal healthcare and tax programs.

APPENDIX G

National Economic and Legal Consequences

Appendix G addresses the national consequences of the practices described in Appendix E. It explains the escalation of healthcare costs, harm to employers and manufacturers, widespread medical debt litigation, elimination of competition, and regulatory inaction, demonstrating why the issues presented are exceptionally important.

APPENDIX G

National Economic and Legal Consequences of Healthcare Billing Practices, Hidden Kickbacks, and Systemic Non-Enforcement

This Appendix expands upon Appendix L to address additional, concrete harms caused by healthcare billing practices that embed unlawful kickbacks and eliminate competition. It focuses on real-world consequences in courts, debt collection, and regulatory failure, demonstrating why these practices constitute both economic distortion and legally cognizable harm requiring enforcement.

I. Systemic Inflation of Healthcare Costs

The United States pays approximately three to four times more per capita for healthcare than other industrial nations. This divergence correlates with the rise of insurer-provider network pricing in the late 1970s, which embedded non-medical financial transfers into healthcare charges and severed prices from market discipline.

II. Embedded Kickbacks and Elimination of Competition

Negotiated pricing arrangements between providers and insurers function economically as kickbacks paid in exchange for patient steering, network exclusivity, and guaranteed volume. These arrangements suppress price competition, exclude independent providers, and entrench dominant national insurers, resulting in concentrated profits and higher prices.

III. Judicial Enforcement of Billed Charges Contradicts IRS Reporting

Each year, approximately thirty million medical debt collection actions are filed in state courts. These cases are brought by either healthcare providers or by third-party debt buyers who purchase patient receivables from providers.

In these proceedings, plaintiffs rely on the original medical bill and swear under oath that the billed amount represents a valid, enforceable legal debt. Courts routinely accept these representations and enter judgments based on the full billed charges.

This creates a fundamental contradiction: the same billed amounts asserted as legal debts in court are later treated as non-income amounts when providers report revenue to the IRS. A charge cannot simultaneously be a legally enforceable debt for purposes of collection and a non-existent amount for purposes of income recognition.

IV. Charges Based on Illegal Conduct Should Be Unenforceable

Healthcare charges inflated by unlawful kickbacks, patient-steering arrangements, and elimination of competition are based on illegal conduct. Prices formed through anticompetitive agreements and prohibited financial inducements are not legitimate market prices.

As a matter of law and public policy, debts arising from illegal activity should not be enforceable. Courts adjudicating medical debt cases are generally unaware that billed charges include unlawful kickback components. If disclosed, such charges would be subject to dismissal or reduction.

V. Failure of State and Federal Agencies to Enforce Existing Law

Multiple state and federal agencies are charged with preventing price discrimination, unlawful kickbacks, and anticompetitive conduct in healthcare, including state attorneys general, insurance regulators, antitrust authorities, CMS, and the IRS.

Despite clear statutory prohibitions, enforcement has been minimal. Agencies often defer to industry practices or decline to investigate systemic conduct, creating de facto immunity for white-collar misconduct in the healthcare sector.

VI. Reluctance to Recognize White-Collar Crime in Healthcare

Healthcare occupies a protected cultural status that discourages scrutiny. Financial misconduct is frequently reframed as administrative complexity rather than criminal or civil wrongdoing. Conducts that would be aggressively prosecuted in other industries is tolerated in healthcare.

This reluctance undermines equal application of the law and leaves patients, employers, and taxpayers without meaningful protection.

VII. Conclusion

The contradictions described above appear daily in courtrooms, tax filings, and regulatory systems. Inflated medical bills are enforced as legal debts while simultaneously disregarded for tax purposes. Regulatory agencies fail to intervene despite clear statutory authority.

These realities demonstrate why judicial review and enforcement of existing law are essential to restore transparency, competition, and legality to the healthcare system.

APPENDIX H

Judicial and Administrative Law Issues

Appendix H addresses institutional issues raised by this case. It discusses the duty of courts to decide cases consistent with congressional intent, the absence of meaningful fact-finding in the proceedings below, and the Administrative Procedure Act requirement that the IRS Whistleblower Office provide reasoned explanations for final denials, while respecting taxpayer confidentiality.

APPENDIX H

Judicial Duty, Findings of Fact, and the Obligation to Decide Cases Under Congressional Intent

This Appendix addresses a fundamental issue presented by this case: the obligation of courts to decide cases based on the intent of Congress and to support their decisions with reasoned findings grounded in evidence and law. It explains why the absence of explicit fact-finding requirements in certain Tax Court proceedings creates systemic legal problems and why judicial duty, oath, and established principles of adjudication require more than unexplained dismissal.

I. The Court's Duty Is to Decide Cases According to Law

Petitioner does not ask this Court to adopt a policy position or to resolve disputed facts in the first instance. The request is far more limited: that the courts perform their assigned role and decide cases according to the intent of Congress as expressed in statute.

Congress enacted 26 U.S.C. § 7623 to encourage whistleblowers to report tax violations and to provide judicial review of agency determinations. When a court declines to review a final agency action without examining evidence or statutory

purpose, it effectively nullifies Congress's directive.

II. Judges Acting as Trier of Fact and Law Must Explain Their Decisions

In bench trials and administrative reviews, judges frequently serve as both trier of fact and arbiter of law. Longstanding principles of judicial decision-making require that such decisions be supported by findings of fact and conclusions of law sufficient to permit meaningful review.

Federal Rule of Civil Procedure 52(a) reflects this principle by requiring courts sitting without a jury to state findings of fact and conclusions of law. Although Tax Court proceedings are governed by separate rules, the absence of an express analogue does not eliminate the underlying requirement of reasoned decision-making.

III. Absence of Explicit Tax Court Fact-Finding Rules Creates Legal Problems

The Tax Court's procedural framework permits dismissal of cases without factual findings or explanation. When appellate courts then limit review to the administrative record, litigants are left without any forum in which facts may be developed or evaluated.

This structural gap creates multiple legal problems: it prevents meaningful appellate review, insulates agency action from scrutiny, and undermines due process. The result is not judicial efficiency but effective immunity from review.

IV. The Judicial Oath and Its Relevance

Federal judges take an oath upon assuming office, pledging to administer justice without respect to persons, to do equal right to the poor and to the rich, and to faithfully and impartially discharge the duties of the office according to the Constitution and laws of the United States.

This oath is not aspirational. It reflects the foundational expectation that judges will decide cases based on law, evidence, and reasoned analysis. A system that permits unexplained dismissal of statutory claims conflicts with the spirit and purpose of that oath.

V. This Argument Is About Institutional Function, Not Personal Criticism

This Appendix does not question the integrity or motives of any individual judge. The concern is institutional, not personal. When procedural rules allow courts to

avoid deciding statutory questions or to issue decisions without evidentiary grounding, the problem lies in the system rather than the individuals operating within it.

Petitioner respectfully asks only that courts fulfill their constitutional role by deciding cases, explaining their reasoning, and allowing meaningful review.

VI. Why This Case Presents the Issue Cleanly

This case squarely presents the consequences of the current framework. The IRS issued a final determination without findings. The Tax Court dismissed without factual examination. The court of appeals affirmed without addressing the statutory purpose or evidentiary issues.

Absent intervention, this structure permits agencies to evade review entirely. Congress did not intend such a result, and judicial duty requires correction.

VII. Conclusion

The Court is not asked to expand its role, but to perform it. Deciding cases according to congressional intent, supported by evidence and reasoned explanation,

is the core judicial function.

This Appendix respectfully submits that unexplained dismissal of statutory claims undermines that function and warrants this Court's attention.

SUPREME COURT OF THE UNITED STATES

ROY J. MEIDINGER,

Petitioner,

v.

COMMISSIONER OF INTERNAL REVENUE,

Respondent.

Additional Appendix Expanded

Modified Court Cases listed in Appendixes A, B. and C

Roy J, Meidinger

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Petitioner is Pro se

APPENDIX GUIDE AND DESCRIPTIVE TABLE 1

This document serves as a descriptive table of contents for the Appendix booklet. Each appendix is summarized to explain what it contains and why it is included. The summaries are descriptive only and do not repeat the materials contained in the appendices themselves.

APPENDIX A- Opinion of the United States Court of Appeals 3

Appendix A contains the opinion of the United States Court of Appeals for the District of Columbia Circuit. The court affirmed dismissal of the whistleblower action on jurisdictional grounds, concluding that the TaxCo1ut lacked authority to review the IRS Whistleblower Office's determination.

This appendix provides the final appellate disposition relied upon by the comments below.

APPENDIX B - Order of the United States Tax Court 35

Appendix B contains the order of the United States Tax Court dismissing the whistleblower case. The Tax Court concluded that it lacked jurisdiction to consider the claim and did not engage in factual review or analysis of the alleged tax violations. This appendix reflects the initial judicial decision at

issue.

APPENDIX C - IRS Whistleblower Final Determination Letter

37 Appendix C contains the final determination letter issued by the IRS Whistleblower Office. The letter rejected the whistleblower claim, stating that no tax revenue was collected and that the information provided was speculative, without explaining the factual or legal basis for that conclusion.

APPENDIX D - Statutory and Regulatory Provisions **39**

Appendix D sets forth the relevant statutory and regulatory provisions governing the whistleblower program, including 26 U.S.C. § 7623 and related sections of the Internal Revenue Code, as well as pertinent provisions of the Administrative Procedure Act. These authorities frame the legal duties at issue in this case.

APPENDIX E - Unified Statement of the **43**

Whistleblower Tax Evasion Claim

Appendix E presents a unified factual and legal explanation of the whistleblower claim. It describes how medical billing creates legally enforceable debt, how income is required to be recognized under accrual accounting, how post-billing write-offs are mischaracterized, and how provider-insurer arrangements embed unlawful kickbacks. This appendix explains the substance of the alleged tax violations.

APPENDIX F - CMS Cost Reports and IRS Reporting Disconnect 48 Appendix F explains the structural disconnect between Medicare and Medicaid cost reports submitted to CMS and income tax reporting reviewed by the IRS. It describes how providers report billed revenues and deductions for reimbursement purposes while reporting reduced income for tax purposes, without reconciliation between agencies.

APPENDIX G - National Economic and Legal Consequences 52 Appendix G addresses the national consequences of the practices described in Appendix E. It explains the escalation of healthcare costs, harm to employers and manufacturers, widespread medical debt litigation, elimination of competition, and regulatory inaction, demonstrating why the issues presented are exceptionally important.

APPENDIX H - Judicial and Administrative Law Issues 56 Appendix H addresses institutional issues raised by this case. It

discusses the duty of courts to decide cases consistent with congressional intent, the absence of meaningful fact-finding in the proceedings below, and tHJ Administrative Procedure Act requirement that the IRSWhistleblJ½er Office provide reasoned explanations for final denials, while respecting taxpayer confidentiality.

APPENDIX A - Opinion of the United States Court of Appeals

Appendix A contains the opinion of the United States Court of Appeals for the District of Columbia Circuit. The court affirmed dismissal of the whistleblower action on jurisdictional grounds, concluding that the Tax Court lacked authority to review the IRS Whistleblower Office's determination. This appendix provides the final appellate disposition relied upon by the courts below.



Filed
12/30/25

Roy J. Meidinger,

Petitioner

V.

Commissioner of

Internal Revenue

Respondent

Docket No.

3337-Z0W

Document No.

81

U.S.C.A for the D. C. Circuit mandate issued December 30, 2025., appeal dismissed for lack of jurisdiction.

UNITED STATES COURT OF APPEALS

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22-1239 **September Term, 2025**

USTC-3337-20W

Filed On: December 30, 2025

121s2333J

Roy J. Meidinger, Sr.,

Appellant

v.

Commissioner of Internal Revenue,

Appellee

MANDATE

In accordance with the judgment of July 8, 2025, and pursuant to Federal Rule of Appellate Procedure 41, this constitutes the formal mandate of this court.

FOR THE COURT:

Clifton B. Cislak, Clerk

BY: /s/

Daniel J. Reidy

Deputy Clerk

Link to the judgment filed July 8, 2025

UNITED STATES COURT OF APPEALS

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 21-1133 **September Term, 20241**

FILED ON: JULY 8, 2025

PATRICK KENNEDY,

APPELLANT

V.

COMMISSIONER OF INTERNAL REVENUE,

APPELLEE

No. 22-1239

ROY J. MEIDINGER, SR.,

APPELLANT

V.

COMMISSIONER OF INTERNAL REVENUE,

APPELLEE

Appeals from the United States Tax Court

Before: HENDERSON, RAO and WALKER, *Circuit Judges*

JUDGMENT

These causes came to be heard on the record compiled before the United States Tax Court and were argued by counsel. On consideration thereof, it is

ORDERED and **ADJUDGED** that Meidinger's appeal is hereby dismissed in toto for lack of jurisdiction; that claims one and two in Kennedy's appeal are dismissed for the same jurisdictional deficiency; that the Tax Court's rejection of Kennedy's third claim is affirmed on the merits; and that these cases be remanded to the Tax Court for proceedings consistent with the opinion of the court filed herein this date.

PerCuriam

FOR THE COURT:

Clifton B. Cislak, Clerk

BY: *Isl*

Michael C. McGrail

Deputy Clerk

Date: July 8, 2025

Opinion for the court filed by Circuit Judge Henderson.

UNITED STATES COURT OF APPEALS

FOR THE DISTRICT OF COLUMBIA CIRCUIT

Argued October 7, 2024 Decided July 8, 2025

No. 21-1133

PATRICK KENNEDY,

APPELLANT

V.

COMMISSIONER OF INTERNAL REVENUE,

APPELLEE

Appeal from the United States Tax Court

Paul D. Scott argued the cause for *amicus curiae* The Anti-Fraud Coalition in support of appellant. With him on the briefs was *Lani Anne Remick.*

Patrick S. Kennedy, prose, was on the briefs for appellant.

Julie Ciamporcero Avetta, Attorney, U.S. Department of Justice, argued the cause for appellee. With her on the briefs were *Bruce R. Ellisen* and *Matthew* S. *Johnshoy,* Attorneys.

No. 22-1239

ROY J. MEIDINGER, SR.,

APPELLANT

v.

COMMISSIONER OF INTERNAL REVENUE,

APPELLEE

Appeal from the United States Tax Court

Jillian Sheridan Stonecipher, appointed by the court, argued the cause for appellant as *amicus curiae.* With her on the briefs were *Jeffrey T. Green* and *Jennifer J. Clark.*

Roy J. Meidinger, pro se, was on the briefs for appellant.

Julie Ciamporcero Avetta, Attorney, U.S. Department of Justice, argued the cause for appellee. With her on the brief was *Bruce R. Ellisen,* Attorney. *Norah Bringer, Arthur T. Catterall,* and *Matthew S. Johnshoy,* Attorneys, entered appearances.

Before: HENDERSON, RAO and WALKER, *Circuit Judges.*

Opinion for the court filed by *Circuit Judge* HENDERSON.

KAREN LECRAFT HENDERSON, *Circuit Judge:* In recent years, this Court has considered the bounds of the U.S. Tax Court's jurisdiction to review whistleblower claims under 26 U.S.C. § 7623(b). In 2022, we held that one portion of subsection (b)(I)-requiring the Internal Revenue Service (IRS) to have "proceed[ed] with an administrative or judicial action"-is jurisdictional. *See Liv. Comm'r,* 22 F.4th 1014 (D.C. Cir. 2022). On the facts of *Li,* we concluded that if the IRS Whistleblower Office (WBO) neither forwards a whistleblower's claim to an IRS operating division nor acts against a taxpayer, there is no judicially reviewable action. *Id.* at 1017. More recently, we held that a second portion of subsection (b)(1)-that the IRS

have "collected" "proceeds ... as a result of the action"-is non-:jurisdictional. *Lissack v. Comm'r,* 125 F.4th 245 (D.C. Cir. 2025). On the facts of *Lissack,* we concluded that once the WBO forwards the whistleblower's claim to an IRS operating division and that division audits the targeted taxpayer, the Tax Court has jurisdiction to review the whistleblower's award. *Id.* at 254---56.

In these consolidated appeals, the WBO sent two whistleblowers' claims to an operating division, but that division took no action against any taxpayer. We are asked to resolve whether these facts fall on the *Li* or *Lissack* side of the jurisprudential cleavage and, accordingly, whether the Tax Court may properly exercise jurisdiction. We hold that *Li* controls and therefore the Tax Court lacks jurisdiction. The movement of a whistleblower's form from one wing of the IRS to another is an exercise in paperwork shuffling, not a jurisdictionally relevant affair. We accordingly dismiss Roy Meidinger's petition in toto for want of jurisdiction, dismiss two of Patrick Kennedy's claims

and deny his third claim on the merits, and remand to the Tax Court for proceedings consistent with this opinion.

I. BACKGROUND

A. Statutory & Regulatory Background

A longstanding feature of our nation's tax laws has been a monetary award system for whistleblowers who aid the government in detecting tax violations. *See* 26 U.S.C. § 7623(a). This program, dating to 1867, previously left award payments to the Secretary's unreviewable discretion. *See* Act of March 2, 1867, Pub. L. No. 39-169, § 7, 14 Stat. 471,473.

As a result, the whistleblower system was subject to "arbitrary aud inconsistent" decision making. *Whistleblower l l 332-l3W v. Comm'r,* 142 T.C. 396, 400 (2014) (citing Treasury Inspector General report). In 2006, the Congress

responded by amending § 7623 as part of the Tax Relief aud Health Care Act (TRHCA) to mandate award payments to certain whistleblowers whose information leads to tax recoveries above a minimum threshold. Pub. L. No. 109-432, § 406, 120 Stat. 2922, 2958-60. The TRHCA also created the Whistleblower Office within the IRS. *Id.* § 406(b).

The whistleblower process commences when a claimant files Form 211 with the WBO. Form 211 is a standardized application used by a whistleblower to alert the IRS to possible tax violations and to seek a monetary share of the agency's eventual recovery. 26 C.F.R. § 30!.7623-3(e)(2)(i) (2019). Under Treasury regulations, the WBO conducts an initial review to determine whether to reject the Form 211 for lack of a colorable claim to compensation. *Id.* § 301.7623-3(c)(7). A rejection "relates solely to the whistleblower and the information on the face of the claim that pertains to the whistleblower." *Id.* If a Form 211 survives this stage, it then proceeds to au IRS operating division for further review, at which point the IRS may still deny the form. A denial "relates

to or implicates taxpayer information" and may occur if "the IRS either did not proceed based on the information provided by the whistleblower . . . or did not collect proceeds." *Id.* § 301.7623-3(c)(8).

Should the IRS "proceed with any administrative or judicial action . . . based on information" provided by a whistleblower, that whistleblower "shall . . . receive as an award" between 15 and 30 per cent of the recovery, depending on "the extent to which the individual substantially contributed to [the] action." 26 U.S.C. § 7623(b)(l). Subsections (b)(2) and (b)(3) limit awards if the whistleblower's information was not the principal basis for the IRS's action or if the whistleblower planned and initiated the wrongdoing. A whistleblower dissatisfied with his

award may appeal the I.R.S.'s decision to the Tax Court, which has jurisdiction to hear appeals of "any determination regarding an award under" subsections (b)(l)-(3). *Id.* § 7623(b)(4).

The Tax Court initially interpreted § 7623(b)(4) to confer jurisdiction to review "the amount *or denial* of an award determination," *Cooper v. Comm'r,* 135 T.C. 70, 75 (2010) (emphasis added), on the theory that "a denial or rejection is a (negative) 'determination regarding an award,'" *Lacey v. Comm'r,* 153 T.C. 146, 163 n.19 (2019). We disagreed in *Li* and held that *"Cooper* and *Lacey* were wrongly decided" and that § 7623(b)(4) does not grant "the Tax Court jurisdiction over the threshold first step, the initial rejection of a whistleblower award before the WBO makes an award determination under subsections (b)(l)-(3)." 22 F.4th at 1016-17. As *Li* explained, "[a] threshold rejection of a Form 211 by nature means that the IRS is not *proceeding* with an action" and thus "there is no award determination, negative or otherwise, and no jurisdiction for the Tax Court." *Id.* at 1017. More recently, the Court clarified that *Li's* jurisdictional

holding

applied only to whether the IRS "proceeds with an action," not to whether the IRS "collected proceeds based on the whistleblower's information." *Lissack,* 125 F.4th at 255 (internal quotations omitted). To conclude otherwise would "render the jurisdictional grant coextensive with the merits of a whistleblower appeal." *Id.*

B. Factual & Procedural Background

I. Roy Meidinger

Petitioner Roy Meidinger asserts that discounts offered by healthcare providers to insurance companies constitute a form of debt relief. Because this relief has gone untaxed, the industry has ostensibly received an improper windfall to the tune of nine trillion dollars. For years, Meidinger has unsuccessfully pursued a trifecta of whistleblower

claims stemming from his debt-relief theory. *See Meidinger v. Comm'r,* 559 F. App'x 5 (D.C. Cir. 2014); *Meidinger v. Comm'r,* 771 F. App'x 112 (D.C. Cir. 2019); *Meidinger v. United States,* 146 Fed. CL 491 (2020), *affd,* 989 F.3d 1353 (Fed. Cir. 2021).

On July 18, 2019, Meidinger took one more bite at the apple. He submitted a Form 21I to the WBO that was in all material respects a repetition of his previous allegations. Upon receipt of Meidinger's latest allegations, the WBO reviewed Meidinger's claim and recommended that it be forwarded to the IRS Tax Exempt and Government Entities (TEGE) Operating Division. The TEGE reviewed Meidinger's claim, surveyed the pertinent tax return and chose not to investigate further because his allegations were "not specific, credible, or [were] speculative."[1] Supplemental Appendix (S.A.) 40-42.

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[1] A survey is "the process by which an examiner makes the determination *not* to audit a tax return ...

before examining any

The WBO then prepared its own memorandum, which recommended that the IRS reject Meidinger's claims on the same grounds. Three days later, on January 31, 2020, the IRS informed Meidinger by letter that the WBO had "made a final decision to reject [his] claim." S.A. 1.

On February 20, 2020, Meidinger timely appealed to the Tax Court. *See* 26 U.S.C. § 7623(b)(4). The IRS moved to dismiss them on the ground that the Tax Court lacked authority to compel the IRS to proceed with an administrative or judicial action. Relying on *Lacey,* the Tax Court denied the IRS's dismissal motion. Litigation continued apace until early 2022, at which time the Tax Court ordered a stay of proceedings in light of our intervening decision in *Li.* On July 5, 2022, the Tax Court lifted the stay and dismissed Meidinger's

case for lack of jurisdiction. Meidinger *pro se* filed a timely appeal to the Eleventh Circuit, which transferred the case to this Circuit. *See* 26 U.S.C. § 7483 (granting 90 days to appeal a decision of the Tax Court); Fed. R. App. P. 13(a)(l) (same). We appointed Jeffrey T. Green as arnicas curiae in support of Meidinger.[2]

2. Patrick Kennedy

Petitioner Patrick Kennedy filed a whistleblower complaint with the WBO in April 2012. In his Form 211, Kennedy alleged that three interrelated corporations owed over $150,000,000 in unpaid taxes. In brief, Kennedy claimed that

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books and records, because an examination would not result in a material change to the taxpayer's tax liability." IRM pt. 4.I0.2.1.4(1) (Sept. 9, 2019) (emphasis added).

[2] During the pendency of this appeal, Green retired and was replaced by Jennifer Clark. Ms. Clark has more than ably discharged her duties, and we thank her and the other Amicus counsel of record for their

assistance.

Taxpayer 1 raided the assets of Taxpayers 2 and 3, tax-exempt employee beneficiary associations, for its own use. The WBO screened Kennedy's claim and referred it to the Large Business and International (LB&I) Operating Division. At this point, Kennedy's claim became mired in bureaucratic delay.

LB&I determined that Kennedy's claim fell outside its bailiwick and transferred his complaint to the TEGE. Around the same time, the IRS trifurcated Kennedy's Form 211 into three separate claims, one against each of the targeted taxpayers. The TEGE placed its review of Taxpayer I "in suspense" because it was outside the TEGE's domain. In effect, Kennedy's Taxpayer I claim fell into a jurisdictional black hole: neither evaluated by the LB&I nor subject to the TEGE's examination. The TEGE took no action regarding Kennedy's

Taxpayer 2 claim because the company was a defunct entity.

As to Taxpayer 3, Kennedy's claim found greater traction. A revenue agent in the TEGE undertook an examination-i.e., an audit-of Taxpayer 3's 2011 tax returns. That examination languished for two years until its eventual completion in June 2015. The IRS ultimately concluded that Taxpayer 3 remained eligible for tax exempt status and closed the record. The TEGE then recommended that the IRS issue a denial letter because the agency took no action on Kennedy's first two claims and the claim-three examination resulted in no change. The WBO agreed and, in December 2016, it mailed Kennedy a preliminary denial letter. Kennedy asked the IRS to reconsider its denial to no avail. On February 1, 2017, nearly five years after Kennedy commenced his quest, the IRS issued a final decision denying all three of his claims.

On March 3, 2017, Kennedy timely appealed to the Tax Court. The Tax Court reached the merits and concluded the

WBO did not abuse its discretion in denying Kennedy's claims. Kennedy then appealed the Tax Court decision to the Seventh Circuit, which deemed venue improper and transferred the case to this Court. Kennedy's appeal was held in abeyance pending the resolution of *Lissack.* Once *Lissack* issued, the stay was lifted and the case proceeded on the merits. Meidinger's and Kennedy's cases were consolidated for disposition after oral argument.

II. ANALYSIS

This Court exercises jurisdiction pursuant to 26 U.S.C. § 7482(a)(l) but our jurisdiction is predicated on the Tax Court possessing jurisdiction in the first instance. *See United States v. Corrick,* 298 U.S. 435, 440 (1936) (explaining that, where the lower court lacks jurisdiction, "we have jurisdiction on appeal, not of the merits, but merely

for the purpose of correcting the error of the lower court in entertaining the suit"). We review Tax Court decisions as we do decisions of the district court sitting without a jury. 26 U.S.C. § 7482(a)(l). We consider *de novo* the Tax Court's jurisdictional determinations, *Myers v. Comm'r,* 928 F.3d 1025, 1031 (D.C. Cir. 2019), as well as its decision to grant summary judgment, *Eshel v. Comm'r,* 831 F.3d 512, 517 (D.C. Cir. 2016). We review the IRS's underlying determination for abuse of discretion. *Colacurcio v. Comm'r,* 727 F. App'x 705, 706 (D.C. Cir. 2018) (per curiam).

The whistleblower statute authorizes the Tax Court to review any "determination regarding an award under paragraphs (1), (2), or (3)" of § 7623(b). 26 U.S.C. § 7623(b)(4). These consolidated appeals lie at the intersection of two of our precedents interpreting § 7623(b)(4): *Li* and *Lissack.* In *Li,* we held that the Tax Court lacks jurisdiction to review "the initial rejection of a whistleblower award before

the WBO makes an award determination under subsections (b)(1)-(3)." 22 F.4th at 1016. There, "[t]he WBO did not forward [the whistleblower's] Form 211 to an IRS examiner for further action, and the IRS did not take any action against the target taxpayer." *Id.* at 1017. Instead, the claim was rejected during an initial screening "for vague and speculative information." *Id.* Rejection at this "threshold first step," *Li* explained, means that the IRS is not proceeding with "administrative or judicial action" and thus there is no "award determination, negative or otherwise, and no jurisdiction for the Tax Court." *Id.* (internal quotation marks omitted). In other words, when the WBO rejects a Form 211 during an initial review, that decision is unreviewable.

In *Lissack,* we held that the Tax Court had

jurisdiction to review the denial of a whistleblower award when the IRS had conducted an examination based on the whistleblower's information. 125 F.4th at 254-56. There, the WBO "referred [the whistleblower's] submission to the IRS, and an IRS revenue agent initiated an examination of the ... issue that [the whistleblower] identified." *Id.* at 255. The Court concluded that the IRS's "referral and examination count as the IRS proceeding with an administrative action that was based on the information [the whistleblower] brought to the Secretary's attention." *Id.* (citation modified). Rejecting the argument that subsection (b)(l)'s second requirement-"that the IRS ... collect proceeds based on the whistleblower's information"-is jurisdictional, the Court found it sufficient that the IRS had proceeded with administrative action against the taxpayer identified by the whistleblower. *Id.* (internal quotation marks omitted). Accordingly, the Court held that the WBO's denial of the whistleblower claim was a

reviewable "determination regarding an award" uoder §.7623(b)(4). *Id.* The Court left for another day "the precise line between an

unreviewable threshold rejection and a reviewable determination." *Id.* at 256.

In sum, *Li* presented a case in which the whistleblower's claim did not advance past the WBO and the IRS took no action against a taxpayer. *Lissack* presented more: the whistleblower's claim was referred by the WBO to an operating division that then examined the taxpayer before ultimately denying the claim. Meidinger and Kennedy fall between these two bookends. Meidinger's Form 211 made it past the WBO's threshold screening and was referred to an IRS operating division. But that division conducted no investigation because it concluded that Meidinger's claims were wholly speculative or implausible. Kennedy's Form 211 likewise progressed to an IRS operating division. On claims

one and two, the operating division took no action. On claim three, the operating division conducted an examination of the targeted taxpayer based on Kennedy's information.

Both Meidinger and Kennedy contend that the WBO's transmission of their Form 211s to an operating division conferred jurisdiction on the Tax Court.[3] In other words, any action succeeding *Li's* "threshold first step" rejection suffices to clothe the Tax Court with jurisdiction. Alternatively, Meidinger's Amicus urges that *Li* was wrongly decided and should be overruled.[4] As explained *infra, Li* forecloses Meidinger's case and Kennedy's first two claims. Amicus's

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[3] Because Meidinger and Kennedy advance similar arguments, we focus primarily on Meidinger's contentions. We address Kennedy's separate claims *infra§* II.C.

[4] Another arnicus, the Anti-Fraud Coalition (TAF), participated inKennedy's appeal and argued the case on hls behalf. Our reference to "Amicus" is to Meidinger's

court-appointed arnicas. TAF is separately identified where appropriate.

argument that *Li* should be overruled fares no better. On Kennedy's third claim, we exercise jurisdiction and affirm the Tax Court.

A. *Li* Controls Meidinger's Petition

Amicus offers three bases to support our jurisdiction of Meidinger's appeal. First, *Li* involved a "rejection" of a Form 211 but Meidinger's claim was "denied." Second, the WBO sent Meidinger's Form 211 to an operating division for further exammation, which constitutes "admmistrative action." Third, the plain text of § 7623(b) uses expansive termmology that encompasses the **IRS's** actions regarding Meidinger and Kennedy's claims.

J. Rejection vs. Denial

Amicus first argues that this case falls outside *Li* because that case involved a rejection of a Form 211

but Meidinger's Form 211 was denied. *See* 26 C.F.R. §§ 301.7623-3(c)(7) (rejection), (c)(8) (denial); *Li,* 22 F.4th at 1016-17 (holding that Tax Court jurisdiction is lacking at the "threshold first step," when the IRS renders an "initial rejection of a whistleblower award"). The IRS's final letter to Meidinger recites that his claim is "rejected," not "denied." But even if we disregard the agency's thermology, Amicus "read[s] too much into too little" by narrowly focusing on a single sentence plucked from *Li* rather than the logic of its reasoning. *Nat'l Pork Producers Council v. Ross,* 598 U.S. 356, 373 (2023).

As we recently held in *Shands v. Comm'r, "Li's* jurisdictional rule does not turn on whether the IRS labeled its decision a 'rejection' or a 'denial.'" 111 F.4th 1, 9 (D.C. Cir. 2024). "Instead, our jurisdictional inquiry focuses on what the IRS *did*-*i.e.,* whether it *'proceeded* with any administrative or judicial action.'" *Id.* (quoting *Li,* 22 F.4th at 1017). In other

words, unless the IRS initiates some action, there is no judicially reviewable decision. Nothing in the text of§ 7623(b) speaks to rejections or denials; instead, the statute ties jurisdiction to a "determination regarding an award under paragraph (1), (2), or (3)," and such a determination arises only if there has been "administrative or judicial action." 26 U.S.C. § 7623(b)(I), (4).

2. WBO vs. Operating Division

The WBO referred Meidinger's Form 211 to an operating division, which reviewed Meidinger' s claim and surveyed one taxpayer before ultimately recommending that the claim be disposed of This, Amicus posits, constitutes administrative action. As *Lissack* explained, "[t]he phrase 'administrative action' O generally refers to acts of executive agencies." 125 F.4th at 257. According to Amicus, the corollary is

that any act by an executive agency constitutes a judicially reviewable administrative action. But *Lissack* went on to conclude that, in context, "administrative action[s]" are limited to "actions for 'detecting underpayments of tax' or 'detecting and bringing to trial' persons who violate or 'conniv[e]' to violate internal revenue laws." *Id.* (quoting 26 U.S.C. § 7623(a)). *Lissack* added that "two other phrases from subsection(b)(I)"-"'based on' and 'substantially contributed"'-"help inform the scope of 'administrative action'" as used in the statute. *Id.* (quoting 26 U.S.C. § 7623(b)(l)). These terms, *Lissack* explained, limit administrative actions to actions "on the discrete tax issue or issues the whistleblower's information identifies" if the whistleblower's "information has substantially contributed to the IRS's administrative action and its ultimate recovery." *Id.* Amicus's capacious reading of administrative actions is also inconsistent with *Li.* Although a threshold rejection of a Form 211 is an *executive* agency action, *Li* held-and *Lissack* did not disturb-that a threshold rejection

does not constitute an *administrative* action in the context of § 7623(b)(1).

We have no need here to flesh out the precise metes and bounds of the meaning of "proceed[ing] with any administrative ... action." 26 U.S.C. § 7623(b)(l). Amicus offers only two distinctions between *Li* and this case:
(i) Meidinger's Form 211 was sent to an IRS operating division and (ii) an agent within that division surveyed a taxpayer. Neither suffices.

First, unlike in *Li,* Meidinger's Form 211 was transmitted from the WBO to an operating division. That action does nothing to bridge the jurisdictional chasm, as § 7623(b) does not turn on which office of the IRS rejects (or denies) a Form
211. Although the statute vests the WBO with authority to process a whistleblower claim, it may

choose to "investigate ... matter[s] itself or assign [them] to the appropriate Internal Revenue Service office." TRHCA § 406(b)(l)(B); *see also* IRM pt. 25.2.2.1.2(1) (Mar. 13, 2023) ("[TRHCA] explicitly provides that the Whistleblower Office may determine whether to proceed with an action or refer the claim to another division for [its] consideration.").[5] Thus, any distinction between the WBO and the operating division is irrelevant and, in turn, Tax

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[5] Pursuant to the cited authority, the IRS internally bifurcates responsibility for claims evaluation between the WBO and its operating divisions. The WBO conducts an initial prescreening before forwarding the claim to an operating division for classification and a determination of whether to initiate an investigation. IRM pts. 25.2.1.2 (Apr. 29, 2019), 25.2.1.3 (May 28, 2020). A WBO rejection incorporates the operating division's recommendation, which reflects "an enforcement

decision of the operating division." IRM pts. *252.1.3(2)* (May 28, 2020), 25.2.1.3.I (Mar. 10, 2023), 25.2.1.3.5(1) (Mar. 10, 2023).

Court jurisdiction does not hinge on the WBO's choice to retain or transfer investigative authority.

Second, Amicus emphasizes that the operating division surveyed a taxpayer. But a taxpayer survey is simply a preliminary review used if the IRS decides "not to initiate an examination of the taxpayer." IRS Br. 27 n.4 (citing IRM pts. 4.10.2.5 (Sept. 29, 2022) &4.10.2.5.1 (Sept. 9, 2019)); *see also* IRM pt. 4.10.2.1.4(1) (Sept. 9, 2019). In *Li,* a WBO classifier had similarly "reviewed ... the target taxpayer's ... tax returns," yet that was not deemed an administrative action. 22 F.4th at 1015. A survey is no more than preliminary and cursory review that falls short of an administrative action. Rather, it is the same type of conduct this Court previously found jurisdictionally immaterial in *Li.*

3. Section 7623(b)(4)'s Plain Text

Amicus next argues that Meidinger's case falls within the plain text of26 U.S.C. § 7623(b)(4). The argument works like this: Section 7623(b)(4) grants the Tax Court jurisdiction of "[a]ny determination regarding an award under paragraph (1), (2), or (3)." Amicus cites a variety of dictionaries and caselaw to show that the words "any," "determination" and "regarding" all have broad and expansive meaning. It notes that courts employ a clear statement rule before treating a statutory requirement as jurisdictional. *See, e.g., Gonzalez v. Thaler,* 565 U.S. 134, 141-42 (2012). And Amicus highlights legislative history that suggests the Congress intended to allow whistleblowers to appeal award denials. Thus, Amicus contends, there is an overriding gravitational pull in favor of jurisdiction. *Li* carved out from this broad jurisdictional grant a narrow sliver of cases that are rejected at the "threshold first step." Once a whistleblower's claim advances past this first step, Amicus asserts, *Li's* logic runs out and§ 7623(b)(4) takes

over. That argument has no purchase. Statutory text, context and background principles of administrative law uniformly show that *Li's* reach is more expansive than Amicus credits.

Under § 7623(b)(4), the Tax Court "shall have jurisdiction" over "[a]ny determination regarding an award under paragraph (1), (2), or (3)" of subsection (b). When read in isolation, this language seems to fit the expansive jurisdictional scope that Amicus presses. But "statutory language has meaning only in context." *Graham Cnty. Soil & Water Conservation Dist. v. U.S. ex rel. Wilson,* 545 U.S. 409, 415 (2005). That context supports a narrower read than the words might suggest when read "with blinders on." *Abrams/d*

v. United States, 573 U.S. 169, 179 n.6 (2014); *cf Mellouli v. Lynch, 575* U.S. 798, 811-12 (2015) (cautioning that

because the words "relating to, "extended to the furthest stretch of their indeterminacy, stop nowhere," courts should ascertain whether "context" supports "a narrower reading") (citation modified). The relevant context of a § 7623(b)(4) "determination" is its cross-references to paragraphs (I)-(3).

Paragraph (1) speaks to "[t]he *determination* of the amount of such award by the Whistleblower Office," which "shall depend upon the extent to which the individual substantially contributed to such action." 26 U.S.C. § 7623(b)(I) (emphasis added). Paragraph (2) references that same determination: "the Whistleblower Office's determination" that an "action described in paragraph (1)" is "based principally on" information other than that provided by the whistleblower, thereby warranting a reduction in the award. *Id.*

§ 7623(b)(2)(A). Finally, paragraph (3) addresses cases in which the WBO's "determination that the claim for an award

under paragraph (1) or (2) is brought by an

individual who planned and initiated the actions that led to the underpayment of tax" or was convicted of violating internal revenue laws. *Id.*

§ 7623(b)(3). The use of "identical words ... in different parts of the same act" indicates that those words "are intended to have the same meaning." *Pereira v. Sessions*, 585 U.S. 198, 211 (2018). A "determination" under paragraph (4) thus refers to a discrete set of decisions:

> (i) Any "determination of the amount of the whistleblower's award," 26 U.S.C. § 7623(b)(l), including any reductions in the award because the action was "based principally on disclosures" from sources other than the whistleblower, *id.* § 7623(b)(2)(A), or the whistleblower "planned and initiated the actions that led to" tax underpayment or was convicted of violating IRS laws, *id.* § 7623(b)(3); or

> (ii) Any determination of "the extent to which the [whistleblower] substantially contributed to [the] action," *id.* § 7623(b)(l); or "the significance of the individual's information and the role of such individual . . . in contributing to such action," *id.* § 7623(b)(2)(A).

These determinations are all predicated on the IRS commencing an administrative or judicial action against a taxpayer based on information provided by the whistleblower. *See id.* § 7623(b)(l) ("If the Secretary *proceeds with any administrative or judicial action* described in subsection (a) ")(emphasis added); *id.* § 7623(b)(2)(A) ("In the event the *action* described in paragraph (1) is ") (emphasis added); *id.* § 7623(b)(3) (directing the WBO to reduce or deny the whistleblower's final award). Indeed, subsection (b) in its entirety applies only "with respect to *any action* against any taxpayer" if "the proceeds in dispute exceed $2,000,000." *Id.*

§ 7623(b)(5) (emphasis added); *cf Comm'r v. Zuch,* 605 U.S. _, 2025 WL 1657419, at *4 (2025) (interpreting "determination" in a parallel portion of the internal revenue law to refer to an "ultimate 'determination"' at the end of an administrative proceeding). As *Li* explained, the IRS's threshold rejection of a Form 211 does not fall into any of these three buckets. But there are actions other than a threshold rejection-including sending a Form 211 to an operating division-that do not constitute a§ 7623(b) determination.

Other contextual clues drive this point home. All the award determinations in paragraphs (1)-(3) are for the WBO to make in the first instance The decision to commence an action, however, rests in the Secretary's unfettered discretion. *See id.*

§ 7623(b)(l) *("If* the Secretary proceeds with any

administrative or judicial action ....")(emphasis added); *Cohen v. Comm'r*, 139 T.C. 299, 302 (2012), *aff'd*, 550 F. App'x 10 (D.C. Cir. 2014) (holding that § 7623 does not "confer authority to direct the Commissioner to commence an administrative or judicial action"); *Meidinger*, 559 F. App'x at 6 (similarly acknowledging that the Tax Court cannot "direct the Secretary to proceed with an administrative or judicial action" or "compel the IRS to provide an explanation for its decision" not to act, as the Tax Court may only "grant relief if the IRS has initiated a proceeding against a taxpayer" (quotations omitted)). It would be anomalous to interpret § 7623(b)(4) to confer jurisdiction of a category of cases regarding which the same statute precludes any form of relief *See Zuch*, 2025 WL 1657419, at *5 (treating the Tax Court's inability to provide relief in a category of cases as indicative of its lack of jurisdiction over those cases).

A more limited read, by contrast, accords with background rules of administrative law. The whistleblower statute allows private citizens to

"bring [] matter[s] to the [IRS]'s attention

and request it to file" an action. *FTC v. Klesner,* 280 U.S. 19, 25 (1929) (addressing a similar whistleblower statute). "But a denial of his request is final," *id.,* because the IRS "alone is empowered to develop that enforcement policy best calculated to achieve the ends contemplated by Congress and to allocate its available funds and personnel in such a way as to execute its policy," *Moog Indus., Inc. v. FTC,* 355 U.S. 411, 413 (1958).

Our read reflects the broader principle that the "decision not to prosecute or enforce . . . is a decision generally committed to an agency's absolute discretion." *Heckler v. Chaney,* 470 U.S. 821, 831 (1985); *see 5* U.S.C. § 70!(a)(2)
(exempting from judicial review actions "committed to agency discretion by law"); *Inv. Co. Inst. v. Fed. Deposit Ins. Corp.,* 728 F.2d 518, 526 (D.C. Cir. 1984)

("An agency's decision to refrain from an investigation or an enforcement action is generally unreviewable ....")(citation omitted); *Krug v. Comm'r*, 120 A.F.T.R.2d (RIA) 2017-6480 (D.C. Cir. 2017)

(per curiam) ("Toe Commissioner has discretion whether to initiate an action against a taxpayer; the courts cannot compel the Commissioner to initiate such action "); *Shands*, 111

F.4th at 11 (Pillard, J., concurring) (explaining that *"Li* erected no novel or formidable obstacle to the Tax Court's jurisdiction" but simply reflected that it has ". jurisdiction over appeals of award determinations-not exercises of non-enforcement discretion") (citation modified).

The IRS's decision to deny a claim often rests on the agency's decision not to bring an enforcement proceeding against a taxpayer. Toe statutory context and the broader *corpus juris* thus counsel against reading § 7623(b) to encompass an IRS determination not to proceed with a whistleblower's claim.

Amicus's other arguments fare no better. *First,* Amicus presses the clear statement rule governing the treatment of a statutory requirement as jurisdictional. But § 7623(b)(4)'s jurisdictional grant includes an express textual reference to the requirements of paragraphs (1)-(3), thus satisfying the clear statement rule's "high bar." *Harrow v. Dep't of Def,* 601 U.S. 480, 484 (2024) (quotation omitted). Moreover, the "Tax Court is a court of limited jurisdiction" that may exercise only the jurisdiction expressly conferred on it by the Congress. *Comm'r v. McCoy,* 484 U.S. 3, 7 (1987) (per curiam); *accord Greene-Thapedi v. Comm'r,* 126 T.C. I, 6 (2006); *Wilson v. Comm'r,* 805 F.3d 316, 319-20 (D.C. Cir. 2015). As such, its jurisdiction is "strictly construed." *Bowen v. Massachusetts,* 487 U.S. 879, 908 n.46 (1988).

Second, Amicus cites a pair of staff technical

reports on the 2006 amendments, which state that a whistleblower may "appeal the amount or a denial of an award determination." Joint Committee on Taxation, *Technical Explanation of H.R. 6408, The "Tax Relief and Health Care Act of 2006, " as Introduced in the House on December 7, 2006 (JCX-50-06)* 89 (Dec. 7, 2006); Joint Committee on Taxation, *General Explanation of Tax Legislation Enacted in the 109th Congress (JCS-1-07)* 745-46 (Jan. 17, 2007) (same). The latter report is a post-enactment "Blue Book prepared by the staff of the Joint Committee on Taxation as commentaries on the recently passed tax law." *United States v. Woods,* 571 U.S. 31, 47 (2013). Such post-enactment reports are "not a legitimate tool of statutory interpretation." *Id.* at 48 (quotation omitted). As to the earlier report, the quoted language may simply abbreviate its description of the award denials contemplated by

§ 7623(b)(3).

TAF notes that the staff report's language does not limit itself to the narrow circumstance ofa § 7623(b)(3) denial, but

the parties' debate over how to parse an isolated line plucked from a committee report is precisely why courts have abandoned their rote use of legislative history. "Legislative history is not the Law" and, insofar as it is ever a proper source for divining congressional intent, it is only to *resolve* an ambiguity, not to *create* one by "muddying clear statutory language." *Azar v. Allina Health Servs.*, 587 U.S. 566, 579 (2019) (quotations omitted); *see Int'l Bhd. of Elec. Workers, Loe. Union No. 474 v. N.L.R.B.*, 814 F.2d 697, 700 (D.C. Cir. 1987) ("[C]ourts have no authority to *enforce* alleged principles gleaned *solely* from legislative history that has no statutory reference point.").

Third, and finally, Amicus claims that we previously held that "a Jetter that 'notifies a whistleblower of the Whistleblower Office's final

decision on his claim' is a 'determination' under section 7623." Amicus Br. 21 (internal alterations omitted) (quoting *Myers,* 928 F.3d at 1033). But *Li* took notice of this language from *Myers* and explained that "upon review ... this statement is not a holding" and "does not bind our decision" on § 7623(b)(4)'s scope. 22 F.4th at 1017-18. It likewise does not bind our decision here.

In sum, § 7623(b)(4) requires that the IRS first proceed with an administrative or judicial action against a taxpayer before the Tax Court can exercise jurisdiction. The agency's decision "not to pursue the [whistleblower's] information," S.A.1, whether labeled a rejection or a denial, and whether rendered by the WBO or an operating division, is emphatically not a § 7623(b) action. Without such action, there is no "determination regarding an award under paragraph (1), (2), or (3)," and thus nothing that can be appealed. 26 U.S.C. § 7623(b)(4). This accords not only with the text in context but with ordinary rules of prosecutorial discretion. As we explained in *Li,* and reemphasize today, the IRS must first

proceed "with an action against ... [a] taxpayer' before the Tax Court can exercise jurisdiction. 22 F.4th at 1017. Rejecting Form 211 at the threshold step means the IRS has not taken such an action. The only difference between *Li* and this case is that the WBO sent the Form 211 to an operating division-which deemed the form conclusory-before the WBO itself concluded that Meidinger's Form 211 was "vague and speculative" and should be rejected. *Id.* Nothing in the text of§ 7623(b)(4), *Li's* holding or common sense suggests that intra-agency transfers should lead to a different outcome.

* * *

Amicus's various arguments all represent variations on the same theme: limiting *Li's* holding. If a whistleblower can show that his form has advanced even one paper-shuffle more than Li's, Tax

Court jurisdiction arises. But the phrase "threshold review" appears nowhere in statutory text. Nor did *Li* rest on so flimsy a foundation. At bottom, Amicus's line-drawing exposes its primary theory of this case: *Li* was wrongly decided and should be overruled. That argument is addressed below.

B. We Decline Amicus's Invitation to Revisit *Li*

Amicus argues in the alternative that *Li* was wrongly decided and should be overruled. Amicus acknowledges that a panel lacks the power to overturn Circuit precedent, and so asks that we request an *"en banc* hearing and disposition of [this] appeal in lieu of issuing a panel decision." CADC, *Policy Statement on En Banc Endorsement of Panel Decisions* 3 (Jan. 17, 1996).

It is a fundamental maxim that "we are ... bound to follow circuit precedent absent contrary authority from an en banc court or the Supreme Court." *United States v. Carson,* 455 F.3d 336, 384 n.43 (D.C. Cir. 2006) (per curiam). "[T]he rule

of law demands that . . . departure from precedent" be the exception, *Randall v. Sorrell,* 548 U.S. 230, 244 (2006) (Breyer, **J.,** plurality opinion) (quoting *Arizona v. Rumsey,* 467

U.S. 203, 212 (1984)), and only if there is "special justification" beyond the belief "that the precedent was wrongly decided," *Kimble v. Marvel Ent., LLC,* 576 U.S. 446, 456 (2015). *Stare decisis* is at its zenith "[i]n matters of statutory interpretation," *LaRue v. DeWolff. Boberg & Assocs., Inc.,* 552 U.S. 248, 260 (2008) (Roberts, C.J., concurring), regarding which the "Congress remains free to alter what we have done," *Halliburton Co. v. Erica P. John Fund, Inc.,* 573

U.S. 258, 274 (2014) (quotations omitted). This Court has described the "range of circumstances" in which a "statutory precedent" should be overturned as "narrow." *United States v. Burwell,* 690 F.3d 500,

504 (D.C. Cir. 2012) *(en banc).* These circumscribed circumstances include an "intervening development of the law," a "conceptual underpinning[of] the prior decision" has been "removed or weakened," a precedent has proved "detriment[a]J to coherence and consistency in the law" or an interpretation has been refuted persuasively by "other circuits." *Id.* (quotations removed). Even then, *en banc* review serves only "two purposes: to ensure the consistency of our case law and to resolve issues of exceptional importance." *Id.* at 517 (Henderson, J., concurring) (citing Fed. R. App. P. 35(a)).

Amicus does not come close to scaling this high wall. It terms *Li* "unworkable" because "in either *Li* nor *Lissack* delineates the precise line between an unreviewable threshold rejection and a reviewable determination, leaving a large swath of IRS actions on uncertain jurisdictional grounds." Amicus Br. 33 (citation modified). What Amicus decries as imprecision is no more than judicial minimalism: "if it is not necessary to decide more, it is necessary not to decide more." *PDK Labs. Inc. v. DEA,* 362 F.3d 786, 799 (D.C. Cir. 2004)

(Roberts, J., concurring). *Li* and *Lissack* wisely chose not to reach out and decide issues not before them. "[A]s is true with so many legal standards for judging concrete cases," the limits must sometimes be "marked out through case-by-case adjudication." *Bose Corp. v. Consumers Union of U.S., Inc.*, 466 U.S. 485,503 (1984). *Li* was decided only three years ago. *Lissack* is of even more recent vintage.

Amicus notes that a whistleblower is forced into a "particularly opaque" process because the IRS may not provide "the full administrative record detailing how the IRS treated [a] claim." Amicus Br. 34. If true, that provides a reason for the IRS to improve its bookkeeping, not for this Court to revisit its precedent. In any event, the jurisdictional line drawn by *Li* and its progeny is not a particularly difficult one to trace. As *Shands* explained, whether the IRS has proceeded with an administrative or judicial

action "does not turn on" the IRS's internal claims processing procedures but "on what the IRS *did*." 111 F.4th at 9. It is thus irrelevant "whether the IRS labeled its decision a 'rejection' or a 'denial" or whether the IRS disposed of a claim *via* the WBO or an operating division. *Id.* Jurisdiction vests once the IRS chooses to act against a taxpayer based on information alleged by a whistleblower. That is a readily administrable line to follow. More importantly, it is the line that the Congress chose to set.

C. Kennedy's Petition

The foregoing analysis deprives the Tax Court-and in turn, this Court-of jurisdiction of Meidinger's claims and Kennedy's first two claims. As with Meidinger, Kennedy's claims one and two were forwarded to an IRS operating division, which then took no administrative or judicial action on either claim. Claim one languished in the agency because the divisions could not resolve which, if any, should investigate

the claim. The IRS took no action on claim two because a cursory investigation revealed that the accused taxpayer was a defunct corporation. Unlike Meidinger, the IRS described Kennedy's final rejection letter as a "denial" rather than a "rejection." But as explained above, there is no jurisdictional import to that difference in labels. There are no material facts to differentiate Meidinger's case from Kennedy's first two claims. The Tax Court thus lacked jurisdiction to entertain these two claims.

As to Kennedy's final claim, the IRS proceeded with an administrative action: it examined (i.e., audited) the accused taxpayer. This is precisely the conduct that *Lissack* found sufficient to confer jurisdiction. *See Lissack,* 125 F.4th at 255 ("The fact

that the IRS conducted an examination here suffices to distinguish Lissack's case from *Li."); see also Shands,* 111 F.4th at 9 (suggesting that if a taxpayer "faced an audit that was triggered by [a whistleblower's] disclosure," that could suffice for jurisdiction). Because there was an administrative action based on Kennedy's information, the Tax Court properly exercised jurisdiction of Kennedy's third claim.

The Tax Court also properly rejected Kennedy's third claim on the merits. Following its audit, the IRS made no change to the taxpayer's return and collected no proceeds. Kennedy alleges that "proceeds were collected" but the portion of the record he cites is a pre-audit form of the taxpayer that recounts nothing of the sort. Elsewhere, the record indicates that no proceeds were collected, as the IRS asserted in its internal correspondence, in the proceedings below and on appeal, and as the Tax Court so held. Because the IRS collected no proceeds against the accused taxpayer, the Tax Court properly held that Kennedy was not entitled to any award as a matter oflaw.

***

For the foregoing reasons, we dismiss Meidinger's appeal for lack of jurisdiction and dismiss claims one and two of Kennedy's appeal for the same jurisdictional deficiency. We affirm the Tax Court's rejection of Kennedy's third claim on the merits.

So ordered.

APPENDIX B - Order of the United States Tax Court

Appendix B contains the order of the United States Tax Court dismissing the whistleblower case. The Tax Court concluded that it lacked jurisdiction to consider the claim and did not engage in factual review or analysis of the alleged tax violations. This appendix reflects the initial judicial decision at issue.

United States Tax Court

Washington, DC 20217

ROY J. MEIDINGER,

Petitioner

v. Docket No. 3337-20W

COMMISSIONER OF INTERNAL REVENUE,

Respondent

ORDER AND ORDER OF DISMISSAL FOR LACK OF JURISDICTION

Petitioner seeks in this case review of a notice of determination under section 7623 concerning whistleblower action. The notice of determination on which this case is based states: "The claim has been rejected because the IRS decided not to pursue the information you provided."

By opinion issued January 11, 2022, in the case of *Li v. Commissioner,* 22 F.4th 1014 (D.C. Cir. 2022), the Court of Appeals for the District of Columbia Circuit held that the Tax Court lacks subject matter jurisdiction of whistleblower cases, such as this one, involving threshold rejections of claims for whistleblower award. By Order issued March 4, 2022, proceedings in this case were stayed pending the final outcome of *Liv. Commissioner.* The court of appeals' judgment in that case is now final.

Accordingly, upon due consideration of the foregoing, it is

ORDERED that the stay of proceedings in this case is lifted. It is further ORDERED that this case is dismissed for lack of jurisdiction. It is further ORDERED that the parties are no longer required to file status reports on or before September 6, 2022. It is further

ORDERED that all pending motions are denied as moot.

(Signed) Kathleen Kerrigan

Chief Judge

Entered and Served 07/05/22

APPENDIX C - IRS Whistleblower Final Determination Letter

Appendix C contains the final determination letter issued by the IRS Whistleblower Office. The letter rejected the whistleblower claim, stating that no tax revenue was collected and that the information provided was speculative, without explaining the factual or legal basis for that conclusion.

MDEPARTMENT OF THE TREASURY

INTERNAL REVENUE

SERVICE

WHISTLEBLOWER OFFICE

Date: 01/31/2020

ROY J MEIDINGER

14893 AMERICAN EAGLE CT

FORT MYERS, FL 33912-1712

Re: Claim Number(s)2019-011231

Dear Roy J Meidinger:

FINAL DECISION UNDER SECTION 7623(a)

The Whistleblower Office has considered your Form 211, Application for Award for Original Information, dated 0711812019. Internal Revenue Code section 7623 provides that an award may be paid only if the information provided results in the collection of tax, penalties, interest, additions to tax, or additional amounts. The Whistleblower Office has made a final decision to reject your claim for an award.

The claim has been rejected because the IRS decided not to pursue the information you

provided.

This letter is a final determination for purposes of filing a petition with the United States Tax Court. If you disagree with this determination, you have 30 days from the date of this letter to file a petition with the Tax Court. Information about filing a petition can be found on the Tax Court's website.

If you have any questions regarding this letter, please feel free to contact the Whistleblower Office at 801-620-2169.

Sincerely-,

Isl Layne Carver for

Joseph Hebb, Program Manager

Whistleblower Office, SPPA