Questions

Chapter 1:

 Regarding the statute of limitations on additional assessments of tax by the IRS, determine the applicable period in each of the following situations. Assume a calendar year individual with no fraud or substantial omission involved.

a. The income tax return for 2020 was filed on February 19, 2021.

b. The income tax return for 2020 was filed on June 25, 2021.

c. The income tax return for 2020 was prepared on April 4, 2021, but was never filed. Through some misunderstanding between the preparer and the taxpayer, each expected the other to file the return.

d. The income tax return for 2020 was never filed because the taxpayer thought no additional tax was due.

Answer:

a. The normal three-year statute of limitations will begin to run on the original due date of the return (usually, the fifteenth day of the fourth month after year-end; April 15). April 15, 2024

 Now the statute of limitations starts to run on the filing date. If the date of filing controlled (see part a. above), the taxpayer could shorten the assessment period by filing late. June 25, 2024

c. If a return that is due is not filed, the statute of limitations does not start to run. It does not matter that the failure to file was due to an innocent error on the part of the taxpayer or adviser.

d. Regardless of the fact that an innocent misunderstanding was involved, there is no statute of limitations when a return is not filed.

On a Federal income tax return filed five years ago, Andy inadvertently omitted a large amount of gross income.

a. Andy seeks your advice as to whether the IRS is barred from assessing additional income tax in the event he is audited. What is your advice?

b. Would your advice differ if you were the person who prepared the return in question? Explain.

c. Suppose Andy asks you to prepare his current year's return. Would you do so? Explain.

Answer:

a. Normally, the three-year statute of limitations applies to additional assessments the IRS can make. However, if a substantial omission from gross income is made, the statute of limitations is increased to six years. A substantial omission is defined as omitting in excess of 25% of the gross income reported on the return.

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