

Office of Chief Counsel
Internal Revenue Service
Memorandum

[REDACTED]

date: [REDACTED] 2010

to: [REDACTED]
Supervisory Revenue Officer
Office of Appeals - Field Operations West (Area 11)

[REDACTED]

from: [REDACTED]
Associate Area Counsel (SBSE), [REDACTED]

subject: Remanded CDP Hearing
John [REDACTED] ([REDACTED])
U.S. Tax Court Docket No. [REDACTED]-09L
Tax Years: 2003, 2004, and 2006

This collection due process case concerning a lien and levy action for the above-referenced taxpayer's 2003, 2004, and 2006 tax years is being remanded to the Office of Appeals. We are returning the case administrative files to you. The original notice of determination was issued on June 19, 2009, by Settlement Officer Michael Freitag in the Las Vegas Appeals Office.

Attached please find an Order from Judge Mary Ann Cohen of the U.S. Tax Court, dated [REDACTED], 2010 (served on [REDACTED], 2010). Pursuant to Judge Cohen's Order, the taxpayer is to be offered an administrative hearing, at a reasonable and mutually agreed upon date and time, by [REDACTED], 2011. The taxpayer can be reached at the following address and telephone number:

John [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

By way of background, following a hearing before Judge Cohen on [REDACTED], 2010, the Court found that the taxpayer did not actually receive a notice of deficiency for taxable

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* years 2003, 2004, and 2006, and therefore, Appeals erred in not *
 * allowing the taxpayer to challenge his underlying tax *
 * liabilities during the original CDP hearing pursuant to I.R.C. § *
 * 6330(c)(2)(B). * The Court began a de novo proceeding on the
 underlying tax liabilities. The taxpayer represented that he
 was not prepared to address his liabilities at that time, but
 admitted for the record that he received the items of income
 upon which the notices of deficiency for 2003, 2004 and 2006
 were based and generally does not dispute the amounts reported
 by third-party information reports. The Court wanted the case
 remanded to Appeals so that the taxpayer would have an
 opportunity to present information regarding his cost basis in
 real property sold during the tax years at issue as well as
 other permissible deductions. The taxpayer may also raise
 collection alternatives. Therefore, the remand may be limited
 to the consideration of the taxpayer's underlying tax
 liabilities and/or collection alternatives.

Transcripts from the [REDACTED], 2010 hearing have not yet
 been received, but will be forwarded to Appeals when they are
 received as they should be part of the administrative files in
 this case.

→ Following the further administrative hearing on remand, a
 Supplemental Notice of Determination (Letter 3978) should be
 issued to the taxpayer. ↙

This case is assigned to Counsel attorney [REDACTED]
 who can be reached at [REDACTED]. Please have the assigned
 Settlement Officer contact Mr. [REDACTED] after [REDACTED], 2011, to
 provide a status on the case so that Mr. [REDACTED] can file a joint
 status report with the Court by [REDACTED], 2011.

Your assistance is greatly appreciated.

[REDACTED]
 [REDACTED]
 Associate Area Counsel
 (Small Business/Self-Employed)

CC: John [REDACTED]
 [REDACTED]
 [REDACTED]