JURISDICTION: OKLAHOMA TAX COMMISSION - DECISION
CITE: 2002-10-21-003 / NOT PRECEDENTIAL
ID: P0200046
DATE: 10-21-02
DISPOSITION: DENIED
TAX TYPE: INCOME
APPEAL: NO APPEAL TAKEN

FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. The parties stipulate to the following:

1. On May 17, 2001, Protestants filed their joint Oklahoma Individual Income Tax Return for 2001[1]. The return showed Line 44 Method One income tax of $661.00. The return also showed Line 51 withholding tax credit of $600.00, and Line 54 (Form 538-S) sales tax relief credit of $200.00, for a total of $800.00 in credits to income tax. Based on these figures, Protestants claimed on the return a refund due [in the amount of] $139.00.

2. On April 3, 2002, the Division notified Protestants in writing of its adjustment to the return, disallowing the $200.00 sales tax credit and proposing to assess Protestants $61.00 in Oklahoma income tax due based on the adjustments to the return.

3. On April 9, 2002, Protestants timely protested the adjustment/assessment in writing.

ISSUE

The issue presented for decision is whether the Division erred in denying Protestants' claim for the sales tax relief authorized by the Sales Tax Relief Act[2].

CONCLUSIONS OF LAW

1. Jurisdiction over the parties and subject matter of this proceeding is vested in the Tax Commission. 68 O.S. 1991, ∋ 207.

[1] The year 2001 is a typographical error and should be 2000.

[2] 68 O.S. Supp. 1992, ∋ 5011 et seq.

2. The Sales Tax Relief Act, 68 O.S. Supp. 1990, ϶ 5010 et seq., provides a direct credit against the income taxes owed by a taxpayer to the State of Oklahoma. 68 O.S. Supp. 1990, ϶ 5013.

3. The claim for the sales tax relief credit, if taken as a direct credit against the income taxes owed by the taxpayer, must be filed with the taxpayer's income tax return on or before the 15th day of April following the close of the taxable year. 68 O.S. Supp. 1990, ϶ 5013.

4. Where the provisions of a statute are not internally inconsistent, and contain no ambiguities or uncertainties, the statute shall be accorded the meaning as expressed by the language therein employed. ***Matter of Phillips Petroleum Co.***, 1982 OK 112, 652 P.2d 283, 285.

5. Here, Protestants claimed the sales tax relief credit as a direct credit against the income taxes owed on their 2000 state income tax return.

6. Protestants admit they filed their joint Oklahoma Individual Income Tax Return for 2000 on May 17, 2001, after the April 15 deadline for the 2000 taxable year. Accordingly, the Division properly denied the credit on the subject income tax return.

7. Protestants' protest should be denied.

DISPOSITION

Based on the above and foregoing findings of fact and conclusions of law, it is DETERMINED that the protest be denied. It is further DETERMINED that tax in the amount of $61.00, plus any additional accrued and accruing interest and penalty, be fixed as the deficiency due and owing.

OKLAHOMA TAX COMMISSION

CAVEAT: This decision was **NOT** deemed precedential by the Commission. This means that the legal conclusions are not generally applicable or are limited in time and/or effect. Non-precedential decisions are not considered binding upon the Commission. Thus, similar issues may be determined on a case-by-case basis.