



DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, D.C. 20224

SMALL BUSINESS/SELF-EMPLOYED DIVISION

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MEMORANDUM FOR DIRECTOR, ADVISORY, INSOLVENCY AND QUALITY
DIRECTORS, FIELD COLLECTION AREA OPERATIONS

FROM: Scott D. Reisher /s/ **Scott D. Reisher**
Director, Collection Policy

SUBJECT: Reissuance of Interim Guidance on Advisory Internal
Revenue Manual Changes

The purpose of this memorandum is to re-issue portions of the original Interim Guidance (IG) Memorandum regarding changes to Advisory procedures. The original IG was issued under IG SBSE-05-0510-013 in May 10, 2010, and most recently re-issued under IG SBSE-05-0512-052 on May 18, 2012. There were forty-nine (49) various Internal Revenue Manual (IRM) revisions included in the original IG memorandum. Many, but not all, of the revisions have been included in the appropriate IRM chapters since its original issuance. The remainder will be incorporated into the IRM as those chapters are revised.

All of the original forty-nine (49) IRM changes were negotiated with NTEU and were subject to the provisions contained in *Memorandum of Understanding (MOU) - IRM Changes to Advisory Casework & Processes, dated December 22, 2009, and amended on January 6, 2010*. Since all of the changes were previously shared with affected employees under the provisions of the MOU, the re-issuance of this IG memorandum does not necessitate any further action on the part of management.

Initial Case Actions

1. 5.10.3.17 - Upon request for a seizure serial number or upon receipt in the group of the opening seizure documents, Advisory will open an NFOI on ICS within seven calendar days. The opening date will be the date of the seizure. Form 13361 should be initiated when the opening documents are received.

2. 5.12.3.10.2 - Open an NFOI on ICS under 101- Claim Other no later than seven calendar days after receipt in the group of the claim.
3. 5.12.3.14.1 - Use ICS to control and monitor the case. Open an NFOI on ICS for lien certificate cases within seven calendar days of receipt in the group. The date that the application was received should be documented when the case is opened on ICS.

Follow-Up/Closing Case Actions

1. 5.10.3.17 - When a PALS/RO misses a specific deadline, follow-up action should be initiated no later than ten (10) calendar days after the missed deadline.
2. 5.10.4.1 - Consideration for the need to order a commercial title report should be made by the PALS and demonstrated by the report being ordered no later than fourteen (14) calendar days of assignment or being part of a documented plan of action in the ICS history.
3. 5.10.6.10 - Submit Record 21 (and any attachments to describe the personal property) with Form 2436 and Form 2434-B, through the group manager, to Advisory with the other closing documents (IRM 5.10.6.5(7)), Form 2436, Seized Property Sale Report) no later than fourteen (14) calendar days after receipt in the group of the full purchase price and all vendor expenses.
4. 5.12.3.10.2 - Advisory will take the appropriate closing or other follow-up actions no later than (ten) 10 calendar days of completion of the initial review.
5. 5.12.3.13 - When the outstanding liability is not assigned to another IRS work unit and it is determined that collection will be facilitated by the subordination, the Advisory employee should secure the taxpayer's proposal to pay the balance of the tax liability (or evidence of such a proposal to another function) and make a determination on the proposal's collection impact along with the recommendation for acceptance/denial of the request.
6. 5.12.3.14.2 - The advisor will complete a thorough analysis to determine if there is a need for additional information. If additional information is needed, the advisor will contact the applicant no later than twenty-one (21) calendar days from the receipt in the group of the initial package.
7. 5.12.3.14.1(6) and 5.12.3.14.5(3) - In the case of an application relating to a foreclosure proceeding, a complete investigation, including initial review and any necessary contact, shall result in a recommendation for acceptance/denial within fourteen (14) calendar days after receipt in the group of the application and, in all other cases, within 30 calendar days unless the redemption period is about to expire where more expeditious action may be necessary. Document any cause of delay in the ICS history.
8. 5.12.3.14.2 - If the taxpayer/applicant misses any established deadline, including submitting required documentation and/or payment, the employee will take follow-up action within ten (10) calendar days of the deadline, including closing the case if

appropriate. The ICS Advisory case file should reflect all actions taken and deadlines established. If documentation and/or payment are received after the ICS NFOI has been closed, create a new ICS NFOI to complete the investigation and make an appropriate recommendation.

9. 5.12.3.14.5 - When sufficient information is available, the advisor has ten (10) calendar days to make the recommendation to accept or deny the application for a lien certificate.
10. 5.12.3.30 - When the outstanding liability is not assigned to another IRS work unit and it is determined that withdrawal of the NFTL will facilitate collection, the Advisory employee should secure the taxpayer's proposal to pay the balance of the tax liability (or evidence of such a proposal to another function) and make a determination on the proposal's collection impact along with the recommendation for acceptance/denial of the request.

Problem Solving/Taxpayer Right's

1. 5.12.3.14.2 - When circumstances dictate, the employee should use problem solving and negotiation techniques, and in so doing consider the taxpayer's/POA/third party's perspective when working toward case resolution. Clearly communicate the determination reached to the taxpayer/applicant.
2. 5.12.3.22 - When circumstances dictate, the employee should use problem solving and negotiation techniques, and in so doing consider the taxpayer's/POA/third party's perspective when working toward case resolution.

Communication and Documentation

1. 5.10.3.17 - Document 12474, Seizure File Folder Tabs, will be used by Advisory employees when assembling seizure file folders. The employee should assemble the case file in a neat fashion and it should contain all required documents.
2. 5.10.4.1 - The PALS will develop a written sale plan no later than fourteen (14) calendar days prior to the sale using the standardized format for all cases.
3. 5.12.3.22 - When communicating the determination, the employee will provide the customer with technical guidance that is accurate and communicated in a clear, concise, professional, easy to understand manner. Any explanation or guidance should address all relevant issue(s) clearly in language understandable to someone unfamiliar with service terms, acronyms and jargon.
4. 5.14.9.3 - When communicating the determination, the employee will provide a response that is accurate and communicated in a clear, concise, professional, easy to understand manner.

If you have any questions concerning this memorandum, please contact Terry Miliote, Program Manager Campus Collection/Technical.

cc: Director, Field Collection
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