

Part III - Administrative, Procedural, and Miscellaneous

Additional Disaster Relief for Taxpayers Affected by the September 11, 2001, Terrorist Attack.

Notice 2002-15

PURPOSE

This notice supplements the tax relief granted in Notice 2001-61, 2001-40 I.R.B. 305 (October 1, 2001), and Notice 2001-68, 2001-47 I.R.B. 504 (November 19, 2001), for taxpayers affected by the September 11, 2001 Terrorist Attack by providing an additional postponement of time for certain affected taxpayers to apply for a tentative carryback adjustment under I.R.C. § 6411. The relief provided to taxpayers in this notice will apply retroactively to September 11, 2001.

GRANT OF RELIEF

Paragraph (3) of the Additional Grant of Relief section (Section C) of Notice 2001-68, granted to all affected taxpayers a 120-day postponement of time to perform the acts listed in Rev. Proc. 2001-53, 2001-47 I.R.B. 506 (November 19, 2001), if the last day to perform the act would otherwise fall within the period beginning on September 11, 2001, and ending on November 30, 2001 (the "window period"). One of

the acts listed in Rev. Proc. 2001-53 is the application under section 6411 for a tentative carryback adjustment of the tax for a prior taxable year. To apply for a tentative carryback adjustment, corporate taxpayers must file Form 1139 and noncorporate taxpayers must file Form 1045 on or after the due date of the return for the taxable year that generates the net operating loss, net capital loss, or unused business credit from which the carryback results and within 12 months after the end of such year. This procedure allows a taxpayer to obtain a refund without having to file an amended return for the year to which the taxpayer carries back the loss or credit. Normally, the twelve month period for filing for the tentative carryback falls after the filing due date even if the filing due date is extended for six months under section 6081. Taxpayers affected by the September 11, 2001 Terrorist Attack that received a filing extension and/or postponement under Notice 2001-61, however, now have a due date for the return that falls after the 12 month period provided by section 6411. In cases where the due date for filing for the tentative carryback under section 6411 falls outside the window period provided by section C, paragraph (3) of Notice 2001-68, such taxpayers would have to file for their tentative carryback before they filed the return for the year the loss or credit arose. To remedy this situation, this notice expands the relief provided by section C, paragraph (3) of Notice 2001-68 by providing affected taxpayers with an additional 120 days in which to file for their tentative carryback under section 6411 if Notice 2001-61 extended and/or postponed the due date of their income tax return.

For example, an affected individual income taxpayer who obtained an extension of time to file the 2000 tax return until October 15, 2001, would qualify for a 120-day

postponement of time to file under Notice 2001-61 until February 12, 2002. Under section 6411, the last day the taxpayer could file Form 1045 would be December 31, 2001. This date is not within the period provided by Notice 2001-61. Thus, without this notice, the taxpayer would need to file Form 1045 before the return is due. Under this notice, however, the taxpayer will have an additional 120 days from December 31, 2001 (the last day for applying for the tentative carryback under section 6411), to file Form 1045.

Taxpayers who believe they are entitled to relief under this notice should mark "September 11, 2001 Terrorist Attack" in red ink on the top of their Form 1139 or 1045 submitted to the IRS. **Taxpayers should not put this notation on envelopes.** Doing so may result in a delay in the delivery or processing of the return or document.

DRAFTING INFORMATION

This notice was drafted by the Office of Associate Chief Counsel, Procedure and Administration (Administrative Provisions and Judicial Practice Division). For further information regarding this notice you may call (202) 622-4940 (not a toll-free call).