



INDEPENDENT OFFICE
OF APPEALS

DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, DC 20224

December 22, 2022

Control No. AP-08-1222-0019
Expiration Date: 12/22/2024
Affected IRMs: 8.20.6
8.22.7

MEMORANDUM FOR: Director, Collection Appeals
Director, Account & Processing Support (APS) – East
Director, Account & Processing Support (APS) - West

FROM: Steven M. Martin /s/ *Steven M. Martin*
Director, Case and Operations Support

SUBJECT: Accept Transfers of Offers in Compromise (OIC) in
Automated Offer in Compromise (AOIC)

Purpose: This memorandum supersedes IGM AP-08-0121-0001 for Appeals to accept OIC transfers in AOIC from Collection to reflect appropriate jurisdiction of Tax Increase Prevention and Reconciliation Act of 2005 (TIPRA) Statute.

Background/Source(s) of Authority: Offers submitted during a Collection Due Process (CDP) or Equivalent hearing (EH) are loaded onto AOIC and assigned to and investigated by the Collection function. During its investigation, Collection monitors the TIPRA statute of the CDP offer on AOIC. If Collection recommends that the CDP offer should be rejected, it issues the preliminary offer rejection letter to the taxpayer, forwards a copy of the letter with the entire offer case file and supporting documentation on a Form 3210 to the assigned Appeals Technical Employee (ATE), and transfers the offer on AOIC from the assigned Collection Area Office to Appeals Area 21. On AOIC, the offer transfer waits in a queue for Appeals to accept it. Collection continues to monitor the TIPRA until Appeals accepts the offer transfer.

Procedural Change: This guidance explains: 1) ATE procedures to submit requests to APS to accept the CDP offer transfer in AOIC when ATEs receive the CDP offers back from Collection after investigation, 2) ATE procedures to return to Collection those CDP-OIC case files not under Appeals jurisdiction that were transferred to Appeals in error, and 3) APS procedures to accept the CDP offer transfers in AOIC after receiving such requests.

Effect on Other Documents: This guidance will be incorporated into the IRMs within two years of the date of this memorandum.

Effective Date: This guidance is effective as of the date of this memorandum.

Contact: Appeals employees should follow existing procedures to elevate questions through their management chain and follow established procedures on [How to Contact an Analyst](#).

Attachment(s):

Updated Guidance

cc: www.irs.gov

Attachment AP-08-1222-0019, Accept Transfers of Offers in Compromise (OIC) in Automated Offer in Compromise (AOIC)

IRM 8.20.6.20 Collection Due Process (CDP) Interim Processes

(1) (f) Accepting OIC transfer in AOIC

New Section

IRM 8.20.6.20.3 Accepting Offer in Compromise (OIC) Transfer in Automated Offer in Compromise (AOIC)

(1) Within 14 days of assignment of a request from ATE to accept OIC transfer in AOIC, Tax Examiner (TE) will verify there is a WUNO for the subject OIC.

- If there is no WUNO for the OIC, return the request to ATE.

(2) To accept OIC transfers in AOIC,

- a. access AOIC
- b. select "OIC Appeals" at AOIC Menu
- c. select "Accept Transfers" at Appeals Menu
- d. select "Query the List by Offer" or "Query the List by TIN" and populate the appropriate request field with Offer Number or TIN
- e. click "Query"
- f. at Accept Transfers screen,
 1. select "Yes" from drop down arrow in "Accept" column
 2. click "Submit" at bottom of screen

IRM 8.22.7.10.4.5 Collection Recommends Rejection

(2) Within five (5) business days of receipt of Collection's CDP-OIC case file with preliminary rejection, the AO will

- a. Verify that the OIC has its own WUNO in ACDS, in accordance with IRM 8.22.7.10.2. If there is no OIC WUNO at the time AO receives Collection's CDP-OIC case file with preliminary rejection, and Appeals has jurisdiction over the CDP-OIC, the AO will request an OIC WUNO in accordance with IRM 8.22.7.10.2. **APS will not accept OIC transfer in AOIC if the OIC does not have its own WUNO.**
- b. Sign the Form 3210 that accompanied the OIC and fax/e-mail the Form 3210 to Offer Examiner/Offer Specialist (OE/OS). Save confirmation that the fax/email was delivered.
- c. Send an encrypted e-mail to the APS Campus Team that services OICs for the ATE's office:

Attachment AP-08-1222-0019, Accept Transfers of Offers in Compromise (OIC) in Automated Offer in Compromise (AOIC)

- E-mail subject line: "Accept OIC transfer in AOIC- Offer Number XXXXXXXXXXX, OIC WUNO YYYYYYYYYY"
- Body of the email will indicate: "Under Accept Transfers tab in AOIC, check '**Yes**' for Offer Number XXXXXXXXXXX"

(3) There are instances when Collection erroneously sends OIC preliminary rejections to Appeals, believing the OIC to be under Appeals jurisdiction. Examples of these instances include, but are not limited to:

- Offers submitted by taxpayers who are **not** in CDP.
- New offers submitted by taxpayers after a CDP Notice of Determination or Decision Letter has been issued.
- New offers submitted by taxpayers during a U.S. Tax Court proceeding where there was no remand order to consider the new offer.
- A separate offer submitted by a taxpayer whose spouse only is in CDP.

To protect the TIPRA statute in these instances, the AO will return the OIC to Collection within five (5) business days of receipt and email [*SBSE Coll Policy OIC](#) the following information:

- that the offer [#] is being returned
- the reason why the offer is being returned
- the tracking information for the file and the name and address where the offer is being shipped
Note: the file must be sent by traceable mail
- request that Collection OIC Policy transfers the offer back to the originating office on AOIC.

Renumber existing IRM 8.22.7.10.4.5 (2) and (3) to IRM 8.22.7.10.4.5 (4) and (5) respectively.