



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

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Affected IRMs: Listed Below

MEMORANDUM FOR APPEALS EMPLOYEES

FROM: John V. Cardone /s/ *John V. Cardone*
DIRECTOR, POLICY, QUALITY AND CASE SUPPORT

SUBJECT: Implementation of Virtual Service Delivery (VSD)

This memorandum implements Virtual Service Delivery (VSD) teleconferencing in Campus Appeals and provides guidance to Campus Appeals Technical Employees (ATEs) regarding its use.

VSD uses teleconferencing technology that permits parties to conduct face-to-face meetings from remote locations. VSD technology is installed in a number of IRS locations known as VSD “support” sites, including all six Appeals campus locations, which Campus ATEs can use to conduct VSD teleconferences. VSD technology is also installed in a number of “customer-facing” sites, where taxpayers and representatives can conduct VSD teleconferences. The customer-facing VSD sites include some IRS posts of duty, partner sites, and two Low Income Taxpayer Clinics (LITCs).

Campus ATEs will offer taxpayers or representatives who request a face-to-face conference the option of a VSD teleconference if they qualify.

The following IRM sections are affected by VSD:

- 8.6.1.4, *Conference Techniques Used by Appeals Technical Employees (ATEs)*
- 8.2.1.8, *Conducting the Conference - ATE*
- 8.22.5, *Receipt, Control and Pre-Conference Considerations*

This guidance is effective on the date of the memorandum and will be incorporated into the affected IRMs within two years. Appeals personnel should elevate any questions through the appropriate management chain.

Attachment: (1) VSD Affected IRM Sections

cc: www.irs.gov

IRM 8.6.1.4.5
Virtual Service Delivery (VSD)

(1) Virtual Service Delivery (VSD) employs teleconferencing technology that permits parties to conduct virtual face-to-face meetings from remote locations. VSD technology is installed in a number of IRS locations known as VSD “support” sites, including all six Appeals Campus locations, which Campus ATEs can use to conduct VSD teleconferences. VSD technology is also installed in a number of “customer-facing” sites, where taxpayers and representatives can go to conduct VSD teleconferences. Customer-facing VSD sites include:

- a) Some IRS posts of duty,
- b) Partner sites, and
- c) Two Low Income Taxpayer Clinics (LITCs), for taxpayers represented by these LITCs.

(2) Campus ATEs will offer a taxpayer or representative who requests a face-to-face conference the option of a VSD teleconference, when the taxpayer is located within 100 miles of a customer-facing VSD site.

(3) Campus ATEs will follow these procedures on cases where a taxpayer or representative requests a face-to-face conference:

Step	Action
1.	<p>Offer a VSD teleconference when the following conditions are met:</p> <ul style="list-style-type: none">a) The ATE is co-located with VSD equipmentb) The taxpayer or representative is located within 100 miles of a VSD customer-facing location,c) The taxpayer is not raising frivolous issues listed in Notice 2010-33 (or its successor notice), andd) The taxpayer is not raising frivolous issues reflecting a desire to delay or impede the administration of Federal Tax Laws, for a CDP hearing request. <p>Exception: CDP taxpayers can have a VSD teleconference even if they don't meet the requirements in IRM 8.22.5 for a face-to-face hearing. If the CDP taxpayer declines the VSD offer, then they must meet the qualification requirements for a face-to-face hearing when they are only proposing a collection alternative or only wish to discuss currently not collectible (CNC).</p>

Step	Action						
2.	<p>If the taxpayer or representative is not located within 100 miles of a VSD customer-facing location:</p> <ul style="list-style-type: none"> a) Document that finding in the Case Activity Record (CAR) b) Proceed to Step 3.c below. <p>Note: If he/she believes the taxpayer resides between 100-150 miles of a VSD customer-facing location, the Campus ATE (at his/her sole discretion) has the option of informing the taxpayer or representative of the VSD program and the nearest VSD location. In the event the taxpayer or representative expresses willingness to travel to that VSD location (even though it is beyond the 100 miles outlined above), the Campus ATE should proceed to Step 4 below.</p>						
3.	<p>If the taxpayer declines the opportunity for a VSD teleconference:</p> <ul style="list-style-type: none"> a) Document the taxpayer’s decision in the Case Activity Record (CAR), b) Input code “VSDX” in the LOC7 field, c) Explain the time delay likely to occur if the case is transferred, and then: <table border="1" data-bbox="440 961 1430 1327"> <thead> <tr> <th data-bbox="440 961 938 1003">If...</th> <th data-bbox="938 961 1430 1003">Then...</th> </tr> </thead> <tbody> <tr> <td data-bbox="440 1003 938 1150">The taxpayer still requests a face-to-face conference (and, in a CDP case, qualifies for a face-to-face conference)</td> <td data-bbox="938 1003 1430 1150">Transfer the case to the field (per existing IRM provisions). Skip Steps 4 thru 8 below.</td> </tr> <tr> <td data-bbox="440 1150 938 1327">The taxpayer no longer requests a face-to-face conference</td> <td data-bbox="938 1150 1430 1327">Continue to work the case according to established procedures for cases not in the VSD program. Skip Steps 4 thru 8 below.</td> </tr> </tbody> </table>	If...	Then...	The taxpayer still requests a face-to-face conference (and, in a CDP case, qualifies for a face-to-face conference)	Transfer the case to the field (per existing IRM provisions). Skip Steps 4 thru 8 below.	The taxpayer no longer requests a face-to-face conference	Continue to work the case according to established procedures for cases not in the VSD program. Skip Steps 4 thru 8 below.
If...	Then...						
The taxpayer still requests a face-to-face conference (and, in a CDP case, qualifies for a face-to-face conference)	Transfer the case to the field (per existing IRM provisions). Skip Steps 4 thru 8 below.						
The taxpayer no longer requests a face-to-face conference	Continue to work the case according to established procedures for cases not in the VSD program. Skip Steps 4 thru 8 below.						
4.	<p>If the taxpayer accepts the opportunity for a VSD teleconference, the ATE and taxpayer will schedule an agreed-upon date and time (keeping in mind the impact of different time zones on both parties). The ATE will:</p> <ul style="list-style-type: none"> a) Document the taxpayer’s decision in the Case Activity Record (CAR), b) Input code “VSDA” in the LOC7 field, c) Reserve the VSD equipment at his/her location for the agreed-upon date and time, using local procedures, and d) Reserve the customer-facing equipment for the agreed-upon date and time using the Outlook Reservation System. (Does not apply to LITC cases). <p>Note: In scheduling the amount of time for the VSD conference to take place, consider scheduling some additional time to account for the taxpayer’s unfamiliarity with the location and/or equipment.</p>						

Step	Action
5.	<p>Provide the following information to the taxpayers:</p> <ul style="list-style-type: none"> a) Address and room number of the customer-facing equipment (Does not apply to LITC cases), b) Any local contact information the taxpayer will need at the site to gain access to the equipment or instructions for its use (Does not apply to LITC cases), and c) Instructions on how to make last minute contact with the ATE if the taxpayer will be late or the taxpayer encounters difficulties with access or use of the VSD equipment.
6.	<p>Advise the taxpayer to submit copies of relevant documents to the ATE (by mail or FAX) at least 10 business days in advance of the scheduled conference.</p> <p>Note: While new information may be visually presented to the ATE at the conference, it is recognized that ATEs need time to review and consider such information before making final decisions that affect the resolution of a case. As such, expectations a taxpayer or representative may have for immediate decisions in such situations are unwarranted.</p> <p>Note: Refer to IRM 8.6.1.6.4 for situations where a taxpayer raises a new issue and IRM 8.6.1.6.5 when a taxpayer provides new information.</p>
7.	<p>If the conference is delayed or canceled due to technical problems, the ATE will document the reason for the delay or cancellation in the CAR, and either:</p> <ul style="list-style-type: none"> a) Reschedule an additional virtual conference if the taxpayer requests it, b) Reschedule a telephone conference, or c) Transfer the case for an actual face-to-face conference if the taxpayer insists.
8.	<p>ATEs may take their laptop computers with them as they conduct VSD conferences to avail themselves of the use of the laptops in the same manner they are used during phone conferences and daily work. The VSD equipment in the support site offices is located near a network connection.</p> <p>Note: After agreeing to participate in the VSD process, if at any point, the taxpayer changes his/her mind and no longer wants a VSD teleconference, the ATE will delete code "VSDA" in the LOC7 field, replace it with code "VSDW" and take the actions outlined in Step 3.c above.</p>

(4) Taxpayers represented by LITCs must meet the following eligibility requirements in order to participate in VSD.

- 1) Seek and receive representation from one of the two LITCs with VSD technology installed.
- 2) Request a face-to-face conference and agree to participate in VSD. Taxpayers represented by these two clinics and/or the LITC representative are responsible for notifying the ATE of their desire and eligibility to conduct a VSD conference.

Upon confirmation that the VSD eligibility requirements have been met, the ATE will follow the procedures specifically outlined in Steps 4.a, 4.b., 4.c., 5.c., 6, 7, and 8 of section (3) above.

Note: Prohibition Against Recommending Representation - IRS personnel are prohibited from making recommendations to taxpayers with respect to securing assistance from any specific individual, firm, or group, including LITCs. Do not recommend that the taxpayer seek assistance from any one specific LITC.

(5) Additional information is available on the VSD SharePoint site to further assist the ATEs with their VSD responsibilities.

IRM 8.2.1.8 Conducting the Conference - ATE

- (1) Appeals conferences are informal and intended to promote frank discussion and mutual understanding. Do not consider ideological kinds of arguments.
- (2) The ATE must handle cases objectively with the goal of reaching a sound decision based upon the merits of the issues in dispute and not with the attitude that settlements must be obtained. The ATE must be thoroughly prepared for all aspects of a case to maximize the possibility of closing the case with one conference.
- (3) The ATE should strive to resolve the disputed issues in a quasi-judicial manner. It is essential to have an open mind and genuine interest in working out a mutually acceptable agreement.
- (4) Conference techniques vary among cases and representatives, but there is no substitute for preparation, judgment and common sense.
- (5) The ATE, taxpayers, and representatives must set realistic target dates for the submission of additional information, proposals and counterproposals of settlement, and understand the need to adhere to them.
- (6) Hold conferences on dates and in locations reasonably convenient to taxpayers and representatives. Generally, they are held at Appeals offices, sub-offices, or other IRS-staffed posts of duty that are not temporary or part-time locations. However, managers may approve holding the conferences at other sites when feasible and necessary to provide a convenient conference opportunity. Ordinarily, the amount in dispute is not an important factor in approving another conference site.

Note: If a Campus ATE receives a taxpayer's request for a face to face conference, offer Virtual Service Delivery (VSD) where available. See IRM 8.6.1.4.5 Virtual Service Delivery (VSD).
- (7) Hold the number of conferences to a minimum. A frank discussion of the facts and law ordinarily brings a case to a prompt conclusion.
- (8) If a taxpayer indicates, during a phone conference, he or she wishes to consult with a qualified representative or otherwise seek advice, suspend the conference and reschedule. See IRM 8.6.1.4.3 for more information on taxpayer's right to consultation. If the taxpayer makes the request during a face-to-face conference, the ATE and taxpayer can try to complete the conference with the understanding the taxpayer will contact the representative afterwards.

IRM 8.22.5.6.1
Type of Appeals Conference

(1) The Appeals CDP conference hearing may be conducted by:

- Face-to-face
- Telephone
- Correspondence
- VSD where available. See IRM 8.6.1.4.5 Virtual Service Delivery (VSD)
- A combination of any of the above