

IRM PROCEDURAL UPDATE

DATE: 01/25/2016

NUMBER: SBSE-05-0116-0177

SUBJECT: Campus Procedures for Handling Identity Theft

AFFECTED IRM(s)/SUBSECTION(s): 5.19.21

CHANGE(s):

Updated IRM references, titles and made editorial changes throughout.

IRM 5.19.21.1.1 *Identity Theft General Information*, revised content, added instructions regarding IP PIN and updated instructions regarding transferring CSCO cases.

1. There are different types of forms regarding Identity Theft:
 - Form 14027–B, *Identity Theft Case Referral* and Form 14103, **Identity Theft Assistance Request (ITAR)** are received and processed by IDTVA.
 - Form 14039, *Identity Theft Affidavit*. These forms are received from taxpayer's in support of their identify theft claim. Follow procedures in the following sections for processing these forms.
2. When handling cases with ID Theft issues, refer to the following Issue/Response Chart:

Issue	Response
The taxpayer's identity is stolen; however, they have no indication their stolen identity was used inappropriately for tax purposes, EXAMPLE: They haven't received an IRS notice.	1. Advise the taxpayer to file a complete Form 14039, <i>Identity Theft Affidavit</i> , if the taxpayer has not already done so. 2. Advise the taxpayer to also make a report to their local police and the three major credit bureaus: Experian: 1-888-397-3742 Equifax: 1-800-525-6285 TransUnion: 1-800-680-7289 3. Refer the taxpayer to the Identity Protection Specialized Unit, 1–800–908–4490. See IRM 25.23.1, <i>Identity Protection and Victim Assistance - Policy</i>

	<p><i>Guidance.</i></p> <p>CAUTION: Taxpayers should not be referred to IPSU unless they have additional questions that ACS cannot answer. IPSU will contact the taxpayer upon Form 14039, <i>Identity Theft Affidavit</i>, receipt. (See additional information in IRM 21.9.2.3.1(1)(b) Note, <i>Self Identified - Non-Tax-Related Identity Theft</i>.)</p> <p>4. For additional information, visit http://www.irs.gov and type the words "identity theft" into the search engine.</p> <p>NOTE: Credit bureau information can be found at http://www.ftc.gov/</p>
<p>The taxpayer states an e-mail was received from the IRS requesting their personal identifying information,</p> <p>EXAMPLE: SSN, EIN, financial information, etc.</p>	<ol style="list-style-type: none"> 1. Advise the taxpayer the IRS does not request sensitive information by e-mail; as a result, the taxpayer should not respond to this e-mail. 2. Request the taxpayer forward a copy of this e-mail to IRS at phishing@irs.gov. 3. For additional guidance, see IRM 21.1.3.23, <i>Scams (Phishing) and Fraudulent Schemes</i>.
<p>Taxpayer has knowledge of another person filing a federal tax return with a stolen SSN or EIN,</p>	<p>Ask the taxpayer for additional information, such as the individual's name and stolen SSN or EIN. Refer this information to Criminal Investigation Fraud Detection Center. See Exhibit 21.3.4–19, <i>CRIMINAL INVESTIGATION SCHEME DEVELOPMENT CENTERS</i>.</p>
<p>Taxpayer requests a new SSN because their identity has been stolen,</p>	<p>Advise the taxpayer to contact SSA at 1-800-772-1213 or http://www.ssa.gov/.</p>
<p>Taxpayer states that they have been a victim of Identity Theft that was resolved. The taxpayer has either lost or never received their IP PIN.</p>	<ol style="list-style-type: none"> 1. Follow the guidance in IRM 25.23.2.21, <i>Identity Protection Personal Identification Number (IP PIN)</i> to determine if an IP PIN was issued. If re-issuance is necessary follow IRM r25.23.2.21.1, <i>Lost, Misplaced or Non-Receipt of IP-PIN</i>.

	2. If taxpayer needs to request an IP PIN refer the taxpayer to the www.irs.gov/Individuals/Get-An-Identity-Protection-PIN
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NOTE: IRM 5.19.21.1.2, *Identity Theft Documentation*, and IRM 5.19.21.1.2.1, *Identity Theft Documentation Processing*, contain additional information on ID Theft documentation and ID Theft documentation processing. More information on ID Theft may be found in IRM 25.23, *Identity Protection and Victim Assistance*.

3. If the taxpayer calls in and indicates that a credit on his/her account does not belong to them, research to determine where the credit should be applied. If you perform thorough research but cannot determine where the credit should be applied, follow the below procedures:

If ...	Then ...
You receive authorization from the SSN owner through oral statement or correspondence that the credit does not belong to them; refer to IRM 21.5.8.1(5), <i>Credit Transfers Overview</i> ,	If the credit is less than one year old, prepare Form 2424, <i>Account Adjustment Voucher</i> , to transfer the credit to Unidentified Remittance File (URF). If the credit is more than one year old, prepare Form 8758, <i>Excess Collections File Addition</i> , to transfer credit to Excess Collection.

NOTE: Payments cannot be transferred to Unidentified Remittance or Excess Collection unless a credit is available.

4. CSCO cases will be forwarded to a co-located site, if not a co-located site, they will be sent to IDTVA-C Philadelphia.

NOTE: Balance due cases in statuses other than in status 22 will be routed to the co-located IDTVA site (Fresno, Kansas City or Philadelphia) if not in one of those sites, it will be forwarded to Fresno IDTVA and the IDTVA will accelerate to ACS. All other programs (MOIC, DATL, etc.) should be routed to Philadelphia.

If....	Then...
We receive the required Identity Theft documentation from the taxpayer. (If the F14039, police report or F14157 is attached)	<ol style="list-style-type: none"> 1. Send the case to the IDTVA Unit listed under the Who/Where tab Identity Theft-Functional ITAR Theft Liaisons (AM IPSU and ACS use only): 2. Notate AMS of all documents received and case actions taken and close case control.
We do not receive any	1. Send a letter to the taxpayer

<p>documentation from the taxpayer</p>	<p>telling them to complete the required documentation, and</p> <ol style="list-style-type: none"> 2. Include instructions to mail the documentation to the IDTVA-C Fresno address listed in Who/Where on SERP. 3. Notate AMS of letter sent, case actions taken and close case control.
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5. ACSS will follow IRM 5.19.6.26, *Identity Theft*, for handling ID Theft case work.

IRM 5.19.21.1.2.1 *Identity Theft Documentation Processing*, removed references to obsolete term "NODCRQ" and associated procedures.

IRM 5.19.21.1.2.1(3) *Identity Theft Documentation Processing* revised instructions in IF/AND/THEN added clarifying instructions for TC 972 AC 522 regarding miscellaneous field input associated with "PNDCLM". Revised instructions regarding input of TC 470 and removed sections regarding Form 4442.

IRM 5.19.21.1.2.1(5) *Identity Theft Documentation Processing* removed section regarding incomplete or illegible documentation

IRM 5.19.21.1.2.1(12) *Identity Theft Documentation Processing* removed sections regarding acceptable documentation.

1. Beginning January 1, 2012, TC 971 AC 522 will also require the input of an appropriate source code and secondary date. This will enable the IRS to flag accounts at different stages of processing, from initial ID Theft claim to closure, dependent upon case specifics.
2. Once the function is made aware that the taxpayer is a possible victim of ID Theft, they will be responsible for checking to see if there is an open control. If there is, the tax examiner will contact that employee to verify they are working the ID Theft issue. If the case is being worked by the controlling area and it has no impact on your compliance case – work the case as you would normally.

NOTE: Always check the Alerts section of AMS to see if there is a CIS image and open the CIS link to see if the document is for ID Theft. If so, do not ask the taxpayer to submit documentation per the instructions below. Instead, follow IRM 5.19.21.1.2, *Identity Theft Documentation*.

3. For areas other than ACS, use the following directions when processing ID Theft issues:

If ...	And ...	Then ...
<p>The taxpayer makes an claim of ID Theft,</p>	<p>Has not provided:</p> <ul style="list-style-type: none"> ○ A copy of the U.S. Federal or State issued form of identification (i.e. driver's license, state identification card, social security card and passport). ○ A copy of a police report or IRS Affidavit Form 14039, <i>Identity Theft Affidavit</i>. <p>NOTE: For more information on required documentation see IRM25.23.2.18, <i>Identity Theft Supporting Documentation-Overview</i>.</p>	<ol style="list-style-type: none"> 1. Input TC 971 AC 522 containing the miscellaneous field using the applicable BOD/Function, Program name and the Tax Administration Source Code listed below: "PNDCLM" and input the tax year of the IDT incident into the secondary date field. See Examples in IRM 5.19.21.1.2.1(8) 2. Phone or TAC operations should verbally advise the taxpayer to submit the required documentation and provide the appropriate address. See IRM 5.19.21.1, <i>Identity Theft - Overview</i>. 3. Paper operations should send a letter to the taxpayer and request they provide the required documentation and provide the appropriate address. 4. Suspend collection, allowing the taxpayer time to respond. Input TC 470 with no closing code. 5. Document AMS.
<p>The taxpayer</p>	<p>Has provided Form 14039, Identity Theft Affidavit,</p>	<ol style="list-style-type: none"> 1. Forward to the appropriate IDTVA-C

makes an claim of ID Theft,	Police Report and required ID Theft documentation as described in IRM 25.23.2.18, <i>Identity Theft Supporting Documentation - Overview</i> .	ACSS site. 2. Document AMS.
The taxpayer makes an claim of ID Theft,	Has provided required documentation as described in IRM 25.23.18, <i>Identity Theft Supporting Documentation - Overview</i> , and all corrective action to resolve the ID Theft issue has been taken.	1. Continue working the non-IDT issue(s).
Taxpayer alleges ID Theft,	There is a posted unreversed TC 971 AC 501 or AC 506.	1. Taxpayer is not required to provide substantiation documentation. 2. Forward new IDT claim to appropriate IDTVA-C ACSS operation.

4. ACS employees will follow IRM 5.19.21.1.2.2, *Identity Theft Guidance for ACS Call-Site Employees*, when handling ID Theft calls.
5. If an active levy, see IRM r5.19.21.1.3, *Addressing Outstanding Levies*.
6. Input appropriate TC 971 AC 5XX on CC ENMOD as described below. Use CC REQ77 /CC FRM77 for this input.
7. TC 971 AC 522 input contains a miscellaneous field that must be completed consisting of the following:
 - a. BOD/Function, for example, "WI" or "SBSE".
 - b. Program Name, for example, "ACS" or "CSCO".
 - c. Tax Administration Source, select the appropriate source of the ID Theft from the following list:

Term/Acronym	Description
"INCOME"	Used when income has been reported under the taxpayer's SSN without their consent or knowledge.
"MULTFL"	Used when two or more returns are filed for the same tax period under the same SSN.
"INCMUL"	Used when both INCOME and MULTFL apply.
"NOFR"	Used when the taxpayer is not required to file a return.
"OTHER"	Used when the situation does not fit any Tax Administration Source Type.

EXAMPLE: "MISC>WI ACS INCOME"

8. When inputting the required information, the TRANS-DT> - field on the CC FRM77 input screen will automatically populate with the date of input.
9. The 971 AC 522 input also contains a secondary date field used to identify the tax year at issue. Complete this field by inputting the year associated with the ID Theft. Use "MMDDYYYY" format.

EXAMPLE: "SECONDARY -DT>12312006"

NOTE: If more than one year is involved, input a separate TC 971 AC 522 for each tax year related with the ID Theft incident.

10. Use TC 972 in the event the TC 971 needs to be reversed. The TC 972 contains a miscellaneous field that must be completed including the reason for the reversal. Select the appropriate reason for the reversal from the following list:

Abbreviation for Entry	Description
"TPRQ"	Taxpayer request
"IRSERR"	Keying or other internal mistake
"IRSADM"	Internally identified negative impact
"FALSE"	Fraudulent ID Theft claim
"OTHER"	Does not meet any of the descriptions above

EXAMPLE: "MISC>WI ACS TPRQ".

11. Term/Acronym

Term/Acronym	Description	Secondary Date Field
"PNDCLM" (Pending Claim of ID Theft)	The taxpayer makes an claim of ID Theft. The taxpayer has not yet provided supporting documentation as required by IRM 25.23.2.18, <i>Identity Theft Supporting Documentation Overview</i> .	Reflects the tax year of the ID Theft incident.
IRS Identified ID Theft – TC 971 AC 506 Beginning January 1, 2012, the following functions will be granted the authority to close accounts as IRS	In situations where the IRS suspects ID Theft may have occurred, employees will mark accounts, using CC REQ77 /CC FRM77 initiated from CC ENMOD. Service employees will input a TC 971	The Secondary Date field will reflect the tax year of the incident. NOTE: FY 2012 programming for "IRSID" was not completed for all functions. Functions needing "IRSID" that

<p>identified ID Theft using TC 971 AC 506:</p> <ul style="list-style-type: none"> ○ CSCO, and ○ ACS/ACSS. 	<p>AC 522 containing the Miscellaneous Field "IRSID".</p>	<p>are not profiled for that Tax Administration Source Code will mark accounts using BOD: PPDS, Program OPIP and Tax Administration Source Code "IRSID" until programming is completed.</p>
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12. TC 972 AC 522 Source Codes

Term / Acronym	Description	Secondary Date Field
<p>"NOIDT" — ID Theft has NOT occurred,</p>	<p>In the course of resolving an ID Theft issue, the employee assigned determines no ID Theft occurred.</p>	<p>Will match the year of the TC 971 AC 522 "PNDCLM" or TC 971 AC 522 "IRSID" as applicable.</p>
<p>"NORPLY" — The taxpayer did not provide supporting documents,</p>	<p>This code is used to close a suspended case when the taxpayer fails to provide the requested supporting documentation within the time specified by the employee assigned.</p>	<p>Will match the tax year of the TC 971 AC 522 "PNDCLM".</p>

IRM 5.19.21.1.2.2(2) Identity Theft Guidance for ACS Call Site Employees, revised instructions in IF/Thenchart. Removed instructions regarding forwarding of Form 4442, *Inquiry Referral*. in some situations. Added Note and IRM reference regarding International time frames. Clarified guidance relating to use of secondary date field in REQ77.

IRM 5.19.21.1.2.2(3) Identity Theft Guidance for ACS Call Site Employees, added clarifying statement about working taxpayer disputes while on the call. Removed instructions regarding preparation and forwarding of Form 4442 and revised reassignment instructions.

IRM 5.19.21.1.2.2(4) Identity Theft Guidance for ACS Call Site Employees, added instructions regarding BMF Identity theft situations.

2. When the taxpayer is disputing the balance owed (original or additional assessment) **on an IMF only account** on the basis of ID Theft and CC ENMOD does not indicate a TC 971 AC 506 or TC 971 AC 501 posted after a TC 971 AC 522:

If ...	Then ...
A CIS Image indicator is present in the ALERTS section on AMS and it is an ID Theft document,	<ol style="list-style-type: none"> 1. Reassign the SB/SE or W&I case on ACS: "TOO2,01,CISIMG" 2. Input TC 971 AC 522 "PNDCLM" on CC ENMOD, if one is not already present for the tax year in question. **See Caution at end of Chart** 3. If a levy is active, follow IRM 5.19.21.1.2.1(6), <i>Identity Theft Documentation Processing</i>. 4. Document AMS with all actions taken. 5. Advise the taxpayer the documentation has been received and he/she should receive a letter within -60 days of confirming receipt of the documentation.
No documentation available (CIS Image) and the taxpayer can immediately FAX the required documentation,	<ol style="list-style-type: none"> 1. Have the taxpayer fax documents to the appropriate IDTVA-C ACSS site <ul style="list-style-type: none"> ▪ Fresno Service Center (FSC): Internal Revenue Center 5045 East Butler Avenue Fresno, CA 93727 FAX# 559-498-7229

	<ul style="list-style-type: none"> or <ul style="list-style-type: none"> ▪ Philadelphia Service Center (PSC): Internal Revenue Center 2970 Market Street Philadelphia, PA 19104 Stop#4-J30.152 FAX# 267-941-1034 <ol style="list-style-type: none"> 2. Reassign the SB/SE or W&I case on ACS: "TOV1,60,ITADJ". 3. Input TC 971 AC 522 "PNDCLM" on CC ENMOD, if one is not already present for the tax year in question. **See Caution at end of Chart** 4. If a levy is active, follow IRM 5.19.21.1.2.1(6), <i>Identity Theft Documentation Processing</i>. 5. Document AMS with all actions taken and directions given to taxpayer. 6. Advise the taxpayer they should receive a letter within 60 days of receipt from IDTVA-C ACSS confirming receipt of the documentation.
<p>No documentation available (CIS Image), and:</p> <ul style="list-style-type: none"> ○ The taxpayer CAN NOT immediately FAX the required documentation, <p>or</p> <ul style="list-style-type: none"> ○ The taxpayer wants to mail the documentation, 	<ol style="list-style-type: none"> 1. Advise the taxpayer of the fax number to be used or to mail the required documentation to the appropriate IDTVA-C ACSS site address. Provide a firm deadline date. The appropriate addresses are located below: <ul style="list-style-type: none"> ▪ Fresno Service Center (FSC): Internal Revenue Center 5045 East Butler Avenue Fresno, CA 93727 Stop#i3501 FAX# 559-498-7229 or ▪ Philadelphia Service Center (PSC): Internal Revenue Center 2970 Market Street Philadelphia, PA 19104 Stop#4-J30.152 FAX# 267-941-1034.

	<ol style="list-style-type: none"> 2. Warn of enforcement action. See IRM 5.19.1.6, <i>Warning of Enforcement Action and Enforced Collection</i>. 3. Reassign the SB/SE or W&I case on ACS: "TOV1,60,IDTADJ". 4. Input TC 971 AC 522 "PNDCLM" on CC **See Caution at end of Chart**ENMOD if one is not already present for the tax year in question. 5. Document AMS with all actions taken and directions given to the taxpayer including deadline date.
<p>If there is an open IDTVA_Compliance IDRS ID Theft control base (If needed, use the SERP , Who/Where tab, IDRS - Unit and USR Database to locate the owner/function of the IDRS number),</p>	<ol style="list-style-type: none"> 1. Refer the caller to the applicable function/employee by providing the taxpayer with the direct contact information (see Note below), to the controlling employee. <p>NOTE: Some W&I functions currently use the toll-free ID Theft telephone number and have assigned aspect extension numbers. This can be determined by the IDRS control base activity code. If the activity codes shows "IDTXXXXXX", provide the toll-free and Aspect extension numbers to the taxpayer. "XXXXXX" indicates the Aspect number. See IRM 4.19.3.20.1.25.2, <i>IDT - General</i></p> <ol style="list-style-type: none"> 2. If not already in ACS Function "O", reassign SB/SE or W&I the case on ACS: "TOO0,05,CNTRL". 3. If a levy is active, follow IRM 5.19.21.1.2.1(6), <i>Identity Theft Documentation Processing</i>. 4. Document AMS with all actions taken..
<p>If there is an open IDRS ID Theft control base to a</p>	<ol style="list-style-type: none"> 1. Prepare a Form 4442, <i>Inquiry Referral</i>, indicating open ID Theft

<p>non-Compliance function (If needed, use the SERP , Who/Where tab, IDRS - Unit and USR Database to locate the owner/function of the IDRS number),</p>	<p>base (provide the control base information) and forward to the IDTVA-C ACSS ID Theft Coordinator.</p> <ol style="list-style-type: none"> 2. If not already in ACS Function "O", reassign SB/SE or W&I the case on ACS: "TOO0,05,CNTRL". 3. If a levy is active, follow IRM 5.19.21.1.2.1(6), <i>Identity Theft Documentation Processing</i>. 4. Document AMS with all actions taken. 5. Advise the taxpayer the case is being referred to the IDT Specialized team. The taxpayer should expect a letter within 60 days from the day the referral is received by the IDT Specialized team.
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NOTE: Time frames for International accounts refer to IRM 5.19.19.4.3 *International Account Time Frames*

CAUTION: The Secondary Date field on REQ77 is limited to the current calendar year and seven (7) prior years. The secondary date field will not allow the input of any date outside that range. Please see guidance in IRM 25.23.2.16 *Tracking and Reporting Identity Theft Cases- Identity Theft Indicators..*

3. When the taxpayer is disputing the balance owed (original or additional assessment) on an IMF only account on the basis of ID Theft and CC ENMOD indicates a TC 971 AC 501 posted after a TC 971 AC 522 or a TC 971 AC 506 is present, **DO NOT** request the taxpayer to submit/resubmit the documentation. This must be within three (3) years of the TC 971 AC 501/506/522. This **ONLY** applies to when a taxpayer continues to dispute a resolved ID Theft. All other disputes should be worked with the taxpayer on the call.
 - a. Reassign the SB/SE or W&I case on ACS:

"TOO0,01,IDTADJ"
 - b. Non-ACS Accounts: Input CC STAUP 2209.
 - c. If a levy is active, follow IRM 5.19.21.1.2.1(6), *Identity Theft Documentation Processing*.
 - d. Document AMS with all actions taken.

- e. Advise the taxpayer a referral is being sent to another area for resolution of their case and should receive written or telephone contact within 30 days of receipt.
4. When the taxpayer is disputing the balance owed (original or additional assessment) and a **BMF account** is involved on the basis of ID Theft, reassign the account on ACS "TOO2,01,BMFIDT". Prepare a Form 4442 to the appropriate SB/SE IDTVA-C ACSS Liaison indicating taxpayer is claiming IDT on a BMF entity. **Do not input any TC 971 AC 522 on BMF accounts.** The determination for the TC 971 will be made by the SB/SE IDTVA-C ACSS Team.
 5. If the taxpayer wants an IA or states they are CNC, document AMS with the required information (financial statement, IA amount, etc.). Advise the taxpayer to make voluntary payments notating the tax period the payment should be applied. **Do not set up the IA or CNC the account.** When the ID Theft issue is resolved, IDTVA-C ACSS will either establish the agreement (or CNC the account) or contact the taxpayer for any necessary information. Be sure to document thoroughly AMS history with all information provided by the taxpayer regarding the IA or CNC request.
 6. If the taxpayer indicates the address of record or name is incorrect, document AMS with the information provided by the taxpayer. **Do not make any changes to the entity information.** The IDTVA-C ACSS team will make the necessary changes, as determined.
 7. When the taxpayer is **NOT** disputing the balance owed (original or additional assessment) on the basis of ID Theft and a TC 971 AC 501/506 are present subsequent to a TC 971 AC 522 for the same tax year or tax years:
 - a. Advise the taxpayer that the ID Theft situation has been resolved.
 - b. A notice or letter will be issued (or may have been already issued).
 - If TC 971 AC 501 was input, then CP 01, *Identity Theft Claim Acknowledgement*, is issued.
 - If TC 971 AC 506 was input, then Letter 4674C, *Identity Theft Post-Adjustment Victim Notification Letter (For use by AM When TC 971 AC 506 is input)*, is issued.
 - c. Do not refer the case to the IDTVA-C ACSS Coordinator or reassign the case to the "O" function.
 - d. Continue with normal balance due resolution (IA, CNC, etc.).
 8. If a taxpayer calls back to check on the status of the account and the follow-up date has expired in the "O" function inventory and an open control **DOES NOT** exist:
 - a. Check AMS history to see if actions were taken to resolve the issue. If case has been resolved, explain to the taxpayer and continue with normal balance due resolution (IA, CNC, etc.), or
 - b. If there is no information that the issue has been resolved, follow the first three procedures in the If and Then table in paragraph (2) above.
 9. If a taxpayer calls back to check on the status of the account and the follow-up date has expired in the "O" function and an open control **DOES** exist:
 - a. Follow the last two procedures in the If and Then table in paragraph (2) above.

- b. Input "OADT,05,IDTRFRL".
10.) If a taxpayer calls back to check on the status of their account and states they did file the tax return in question for which the TC 971 AC 522 was input:
- a. Follow the procedures in the "If and Then" table in paragraph (2) above with an open IDRS control base assigned to an IDT employee;
 - b. If no open control or assigned to the generic control base, input the TC 972 AC 522 with tax administration source code "NOIDT" and resolve the balance due. Update the case to the appropriate function based on the actions taken on the account.

IRM 5.19.21.1.3(2) Addressing Outstanding Levies, revised guidance.

- 2. If the taxpayer claims financial hardship as a result of a tax-related identity theft issue:
 - a. Prepare and submit Form 911, *Request for Taxpayer Advocate Service Assistance (And Application for Taxpayer Assistance Order)*. If the taxpayer requests to contact Taxpayer Advocate Service directly, advise the taxpayer to call 1-877-777-4778 toll-free, or go to <http://www.irs.gov/advocate/>.

CAUTION: If IRS can provide relief or take a substantive action towards providing relief within 24 hours, do not send the case to TAS.

- b. If the taxpayer is an individual, refer to IRM 25.23.2.2, *Taxpayer Interaction*.
- c. If the ID Theft situation involves a business, refer to IRM 25.23.1.9, *Key Definitions t*.

IRM 5.19.21.1.3.3 Addressing Outstanding SITLP, MTLP and AKPFD Levies, added new section and content

- 1. There may be situations involving SITLP, MTLP, AKPFD affected by identity theft issues. In those cases, the employee will be required to follow the procedures outlined in the chart below:

If...	Then...
The taxpayer indicates they are a victim of identity theft and there is a TC 971 AC 522 present	<ul style="list-style-type: none"> o Input a TC 470 with no closing code
The taxpayer indicates they are a victim of identity theft and there is not a TC 971 AC 522 present	<ul style="list-style-type: none"> o Follow the normal procedures for inputting a TC 971 AC 522 "PNDCLM" o Input a TC 470 with no

	closing code
An employee is working a resolved IDT case	<ul style="list-style-type: none"> ○ Reverse the TC 470 as appropriate, following the normal reversal procedures

NOTE: ALP's (SITLP/AKPF/MTLP) are identified by the existence of a TC 971 AC 600, 601 or 602 on each module selected. IRM 5.19.9, *Liability Collection, Automated Levy Programs* for further information.

2. To stop systemic levy action while the identity theft case is being worked towards resolution, manual exclusion is necessary. This is achieved by the input of the TC 470 with no closing code. Once the case is resolved the TC 470 must be reversed to allow inclusion in the applicable ALP program.

IRM 5.19.21.1.5 Processing Guidelines for ACS/ACSS Employees, changed guidance regarding instructing the taxpayer to fax documents to forwarding documents to the appropriate IDTVA-C ACSS site and revised instructions in IF/THENchart

1. If the caller (non-owner of the SSN) has documentation/verification readily available, instruct the caller to forward the information to the appropriate IDTVA-C ACSS site.. The phone assistor is required to take all necessary action during the call and document AMS with all actions taken.

If ...	And ...	Then ...
Non-owner of the SSN contacts IRS within 9 months of the levy issuance date,	Non-owner has their own account (i.e. valid SSN OR ITIN),	<p>Non-owner substantiates levy payment(s).</p> <ol style="list-style-type: none"> 1. Complete full compliance check. Refer to IRM 5.19.1.3.4.1, <i>Full Compliance Check</i>. 2. Ask the non-owner for substantiation (i.e. pay stubs or payroll records) to prove ownership of the levy payments. 3. If substantiation is secured during call (faxed to CR) forward to the appropriate IDTVA-C ACSS site. . 4. Manually refund the levy payment(s) to the non-owner; complete Form 5792, <i>Request for IDRS Generated Refund</i>,

		<p>(reference the non-owner's true account number on the refund check), per IRM 21.4.4.4.1, <i>Preparation of Form 5792, IDRS Generated Refund.</i></p> <p>CAUTION: Ensure non-owner has no valid balance due modules.</p> <ol style="list-style-type: none"> 5. If substantiation needs to be mailed in: Provide IDTVA-C ACSS site address Input history code: W&I: "TOV1,XX,RFND" SB/SE: "TOV1,XX,RFND" 6. Input TC 570 (to freeze funds/prevent refund). 7. Document AMS.
<p>Non-owner of the SSN contacts IRS within 9 months of the levy issuance date,</p>	<p>Non-owner does not have his own account,</p>	<ol style="list-style-type: none"> 1. Advise the non-owner to file a return, Form W-7, <i>Application for IRS Individual Taxpayer Identification Number</i>, (if no ITIN), and substantiation to verify payments and mail to the appropriate IDTVA-C ACSS site. If Non-Owner of the SSN request Income Documents refer to IRM 21.3.4.30.2, <i>Income Documents Related to ID Theft Issues.</i> 2. Input TC 570 (to freeze funds/prevent refund). 3. For SB/SE or W&I cases, input history code: "TOO1,60,ITIN" (or "IRSN") <p>NOTE: IRM 21.3.4.32.2, <i>Income Documents Related to ID Theft Issues</i>, addresses issue if non-owner requests CC IRPTR income documents.</p> <p>REMINDER: ITIN application process:</p>

		<ol style="list-style-type: none"> 1. Federal income tax return. 2. Form W-7, <i>Application for IRS Individual Taxpayer Identification Number</i>. 3. Proof of identity and foreign status documents. 4. Assistance available to complete Form W-7, <i>Application for IRS Individual Taxpayer Identification Number</i>. 800-829-1040 IRS.GOV TAC Acceptance Agent
Non-owner contacts IRS more than 9 months after the levy issuance date but less than 12 months,	Intentionally Left Blank	<p>Do not return the levy payment(s) to the non-owner</p> <ol style="list-style-type: none"> 1. Advise the taxpayer that the payment cannot be returned to them because they did not request it timely. 2. Input TC 570 (to freeze funds/prevent refund). 3. Reassign SB/SE or W&I cases to: "TOV1,XX,EXCESSC" XX = If payment is less than 12 months old, adjust the follow-up date accordingly to meet the 12 month requirement.
Non-owner contacts IRS more than 12 months after the levy issuance date,	Intentionally Left Blank	<p>Refer the payment(s) to Excess Collection</p> <ol style="list-style-type: none"> 1. Advise the taxpayer that the payment cannot be returned to them because they did not request it timely. 2. Complete Form 8758, <i>Excess Collections File Addition</i>, for each credit. Helpful Hints: Box 3 Source Code = "CO" (from where credit is transferred Collection = "CO") Box 4 Status Code = "IDEN"

		(Identified) Box 9 Payment Type (remittance received) "CA" = cash "CC" = cashier's check "MO" = money order "PC" = personal check "UK" = unknown Box 16 Reason = "Wrongful Levy-Do Not Apply or Refund ID Theft" IRM 3.17.220.2.1.1, <i>Preparation of Form 8758</i>
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NOTE: If the caller states they want to file a formal wrongful levy claim, inform them of Pub 4528, *Making an Administrative Wrongful Levy Claim Under Internal Revenue Code (IRC) Section 6343(b)*.