

IRM PROCEDURAL UPDATE

DATE: 11/05/2015

NUMBER: WI-21-1115-1621

SUBJECT: Requesting a Copy of a Fraudulent Return

AFFECTED IRM(s)/SUBSECTION(s): 21.2.3.5.8

CHANGE(s):

IRM 21.2.3.5.8 - Added the new references for requesting a copy of a fraudulent return.

1. Transcript Delivery System (TDS) is programmed to restrict the delivery of transcripts to external users when certain identity theft indicators are present. These external users include tax professionals accessing TDS via e-Services and individual taxpayers using Get Transcript and the IVR. Assistors must be cautious when fulfilling transcript requests as there are no TDS restrictions for internal users. Follow account authentication and research procedures for identity theft as instructed in these subsections:
 - o IRM 21.2.3.5.8.1, *Authentication Procedures for Identity Theft*
 - o IRM 21.2.3.5.8.2, *Accounts with Resolved Identity Theft*
 - o IRM 21.2.3.5.8.3, *Accounts with Suspected or Open/Unresolved Identity Theft*
 - o IRM 21.2.3.5.8.4, *Type of Transcript Requested for Identity Theft Accounts*
2. Submission Processing (SP) receives transcript requests on Form 4506-T, *Request for Transcript of Tax Return*, and Form 4506-T-EZ, *Short Form Request for Individual Tax Return Transcript*, in the Return and Income Verification Services (RAIVS) and through Income Verification Express Service (IVES). RAIVS/IVES will not fulfill requests when their research shows identity theft indicators are present on either the Primary or cross reference SSN account. RAIVS/IVES will mail Form 14611, *RA/VS/VES Additional Actions Needed*, instructing the taxpayer to call the Identity Theft toll-free number. More information on SP procedures is found in IRM 3.5.20.2.8.1, *Identity Theft Indicator*.
3. If you determine the taxpayer filed Form 4506-T or Form 4506-T-EZ, and received Form 14611, apologize and explain we are protecting their tax account and personal information and refer to IRM 21.2.3.5.8.4, *Type of Transcript Requested for Identity Theft Accounts*, to provide the requested transcript. Do not ask the taxpayer to submit or resubmit a Form 4506-T or Form 4506-T-EZ, in identity theft instances.

REMINDER: A tax professional with a Form 2848 or Form 8821 authorization can contact AM to request a transcript when a TDS letter instructs his or her client to contact IPSU (currently Identity Theft toll-free), or if the taxpayer receives Form 14611; however, they may or may not be able to provide sufficient information required for the assistor to research the identity theft account. In certain instances, only the taxpayer may have enough history and documentation to resolve the inquiry. Authentication of the client's tax information is required, following IRM 21.1.3.2.3(3), *Required Taxpayer Authentication*.

4. If the taxpayer indicates they filed Form 4506, *Request for Copy of Tax Return*, and received Form 14611, refer to IRM 21.3.6.4.3.2, *Return Copy Procedures and Identity Theft*, for handling instructions.
5. If the taxpayer requests transcripts be sent to a third party, apologize to the taxpayer and explain that we do not send transcripts directly to a third party when there is the possibility of identity theft.

NOTE: If the taxpayer is requesting a tax return transcript for a mortgage company, please provide the following information: "In cases of identity theft, the financial community has been made aware that we will only release transcripts to the taxpayer. A mortgage company or lender does not need to obtain the transcript directly from the IRS." See Treasury Regulation § 1026.43(c)(4)(vi) discussion in Issue Management Resolution System (IMRS) Issue 13-0001826 – Transcripts requested for financial purposes.

6. If the taxpayer indicates receipt of a transcript they did not request, probe to find out if their spouse or someone who is authorized (such as a tax professional) could have requested the transcript. If the taxpayer indicates no one requested the transcript on their behalf, see IRM 21.2.3.5.8.3, *Accounts with Suspected or Open/Unresolved Identity Theft*.
7. If the taxpayer indicates receipt of a transcript they requested that contains incorrect information due to possible identity theft, see IRM 21.2.3.5.8.3, *Accounts with Suspected or Open/Unresolved Identity Theft*.
8. If the taxpayer requests a transcript of a fraudulent tax return, see *Procedural Guidance for Toll-free and Field Assistance* on the SERP IRM Supplements AM Identity Theft Resource Page. Taxpayer instructions are available on Instructions for Requesting Copy of Fraudulent Returns.