



DEPARTMENT OF THE TREASURY  
INTERNAL REVENUE SERVICE  
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Affected IRMs: Listed Below

MEMORANDUM FOR APPEALS EMPLOYEES

FROM: Anita M. Hill /s/ *Anita M. Hill*  
DIRECTOR, CASE AND OPERATIONS SUPPORT

SUBJECT: Appeals Conference Procedures

This memorandum issues revised Appeals guidance on conference practices until all applicable Internal Revenue Manual (IRM) sections are updated. Please distribute this information to all affected employees within your organization.

**Purpose:** This memorandum provides interim guidance for in-person conference procedures on Appeals Campus cases.

**Background:** On October 13, 2017, Appeals issued Interim Guidance AP-08-1017-0017, *Appeals Conference Procedures*, which revised guidance on conference practices for field cases. That interim guidance removed certain limitations on a taxpayer's ability to obtain an in-person conference in a Field case. That guidance also explained that cases worked in one of Appeals' six Campus locations present unique challenges because these locations cannot accommodate in-person conferences. Since the issuance of the October 2017 guidance, Appeals has been reviewing conference options for Campus cases in an effort to make in-person conferences available in these cases. As a first step toward providing taxpayers in Campus cases the ability to obtain an in-person conference, the guidance in this memorandum provides that Appeals will send the taxpayer's case to an Appeals office that can accommodate an in-person conference when requested. This guidance also eliminates the "case assistance procedures" previously offered to taxpayers as a substitute for an in-person conference in Campus cases.

Sending a Campus case to another office is one approach to accommodate a taxpayer's request for an in-person Appeals conference. Appeals continues to pursue additional approaches to ensure that a taxpayer's request for an in-person conference is accommodated, whether the assigned Appeals employee is located in a Campus or in the Field.

**Procedural Change:** While the vast majority of issues are resolved over the telephone, via correspondence or by other technologies (for example, WebEx videoconferencing software and Virtual Service Delivery), some taxpayers prefer an in-person conference. This guidance provides that if a taxpayer or representative requests an in-person conference and the assigned Appeals employee's office cannot accommodate in-person conferences, the case will be sent to an Appeals office that can accommodate the request. This guidance provides that Appeals will use its best efforts to schedule the in-person conference at a location that is reasonably convenient for both the taxpayer and Appeals. Appeals' ability to hold the conference in the taxpayer's preferred location may be limited due to regulatory requirements or resource constraints, including the availability of Appeals employees with appropriate subject matter expertise and the level of case inventories at the preferred location. This guidance also eliminates in-person case assistance procedures (IRM 8.6.1.4.1.1) and updates various IRM sections with these changes. This change in procedure does not modify existing workstream specific in-person conference eligibility criteria or guidance on circuit riding.

**Affected IRMs:** 8.4.1, 8.4.2, 8.6.1, 8.11.1, 8.11.4, 8.22.5, 8.23.2, 8.24.1, 8.25.2 and 25.15.12

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

**Effective Date:** November 30, 2018

Attachment: Affected Changes

cc: [www.irs.gov](http://www.irs.gov)

**Changes:****Deleted Sections**

The guidance in the IRM section below is **deleted in its entirety**:

IRM 8.6.1.4.1.1, *In-Person Conference: Case Assistance*

**Replaced Section**

The following sub-section replaces IRM 8.6.1.4.1, *Conference Practice*

**8.6.1.4.1 (MM-DD-YYYY)****Conference Practice**

(1) Taxpayers have multiple conference options including holding the conference by telephone, correspondence, in person or virtually (for example, WebEx videoconferencing software and Virtual Service Delivery). Appeals may use other technologies as they become available. Generally, conferences are held by phone. Discuss the conference options with the taxpayer or representative. Document the Case Activity Record (CAR) as appropriate. (See IRM 8.6.1.4.5, *Virtual Service Delivery*).

(2) Hold conferences on dates that are reasonably convenient to taxpayers and their representatives. For in-person conferences, attempt to provide the conference in a location that is reasonably convenient for the taxpayer, representative and Appeals. Appeals' ability to hold an in-person conference in the taxpayer's preferred location may be limited due to regulatory requirements or resource constraints including the availability of ATEs with subject matter expertise and the level of case inventories at the taxpayer's preferred location. In certain circumstances, managers may approve holding conferences at other sites, including other federal buildings, when feasible and necessary to provide a conference opportunity. The amount in dispute is generally not a determining factor in approving a conference site.

(3) If your office cannot accommodate in-person conferences and the taxpayer or representative would prefer an in-person conference, the case will be sent to an Appeals office that does accommodate in-person conferences.

(4) Properly plan and execute an in-depth discussion of the issues to facilitate a resolution during the initial conference hearing. A frank discussion of the facts ordinarily brings a case to a prompt conclusion.

**Renumbered/Retitled Section**

IRM 8.6.1.4.1.2, *In-Person Conferences: Circuit Riding*, is retitled and renumbered to IRM 8.6.1.4.1.1, *Circuit Riding*.

The IRM sections below provide clarification on Appeals' conference practices in Examination work streams.

#### **8.4.1.7**

##### **Docketed Case Received in Appeals**

(4) ...

**Note: Existing Case Routing Guidelines:** Counsel field offices initially assign docketed cases to their attorneys/paralegals based upon the place of trial designated by the taxpayer. In larger cities, several Counsel field offices may work cases with the same designated place of trial. In this situation, the Counsel case assignments are further divided by taxpayer zip code. Project cases may be kept together in one field office for convenience. Compliance routes docketed administrative files to the Appeals field office indicated on the Docket List. This is generally the Appeals field office that services the Counsel field office assigned the case. Therefore, assignment of docketed cases in Appeals field offices mirrors the assignment procedures used by Counsel.

#### **8.4.1.17.2**

##### **Stipulation/Decision Preparation**

(5) During an in-person conference, the ATE will prepare settlement documents and seek the necessary signatures, if possible. If not, or when the conference is conducted by any other method, the ATE will mail settlement documents to the petitioner or counsel of record as soon as possible after the conference.

#### **8.4.2.3**

##### **Request for In-Person Conference**

(1) If the petitioner or counsel of record requests an in-person conference, follow the procedures in:

- a) IRM 8.6.1.4.1, *Conference Practice*,
- b) IRM 8.6.1.4.5, *Virtual Service Delivery (VSD)*

#### **8.4.2.5**

##### **Transfers of Docketed Cases between Appeals Offices**

(1) When appropriate, Appeals transfers docketed cases between offices for considerations such as for workload balancing.

(2) See IRM 8.4.2.3, *Request for In-Person Conference*. This covers procedures to follow when the petitioner or counsel of record requests an in-person conference.

#### **8.11.1.1.7**

##### **Consideration of Penalty Cases**

(5) Appeals holds conferences to resolve issues in dispute. PENAP conferences are usually held by telephone or correspondence. If the taxpayer or representative requests an in-person conference, follow the procedures in:

- a) IRM 8.6.1.4.1, *Conference Practice*,
- b) IRM 8.6.1.4.5, *Virtual Service Delivery (VSD)*

**8.11.4.1****Penalty Appeals (PENAP) Program**

(3) PENAP conferences are usually held by telephone or correspondence. If the taxpayer or representative requests an in-person conference, follow the procedures in:

- a) IRM 8.6.1.4.1, *Conference Practice*,
- b) IRM 8.6.1.4.5, *Virtual Service Delivery (VSD)*

**25.15.12.9****Initial Contact**

(4) Innocent Spouse conferences are generally conducted by telephone or correspondence. If the appellant spouse or representative requests an in-person conference, follow the procedures in:

- a) IRM 8.6.1.4.1, *Conference Practice*,
- b) IRM 8.6.1.4.5, *Virtual Service Delivery (VSD)*

**25.15.12.15.8****Appeals Technical Employee Assignment and Consideration**

(1) If the appellant spouse or representative requests an in-person conference for an Innocent Spouse appeal assigned to an ATE in a Campus Appeals office, follow the procedures in:

- a) IRM 8.6.1.4.1, *Conference Practice*,
- b) IRM 8.6.1.4.5, *Virtual Service Delivery (VSD)*

The IRM sections below provide clarification on Appeals' conference practices in Collection work streams.

#### **8.22.5.6.1**

##### **Types of Appeals Conference**

(1) Appeals conference practices are found in IRM 8.6.1.4, *Conference Techniques Used by Appeals Technical Employees*, and the following subsections:

- IRM 8.6.1.4.1, Conference Practice
- IRM 8.6.1.4.1.1, Circuit Riding
- IRM 8.6.1.4.5, Virtual Service Delivery (VSD) where it is available

**Note:** VSD employs teleconferencing technology permitting virtual face-to-face meetings from remote locations.

(2) The Substantive Contact Letter (SCL) offers taxpayers the opportunity for an in-person conference. Taxpayers who request an in-person conference and are eligible (see (4) below), will be accommodated following procedures in IRM 8.6.1.4.1, *Conference Practice*, IRM 8.6.1.4.1.1, *Circuit Riding* or IRM 8.6.1.4.5, *Virtual Service Delivery*. Employees will use these procedures to afford taxpayers an in-person conference at an Appeals office closest to their residence or principal place of business.

(3) If the taxpayer is entitled to a CDP hearing but neglects to participate, a review of the documents in the case file constitutes the CDP hearing.

(4) An in-person conference will not be offered in the following circumstances:

- a) Taxpayers identified as potentially dangerous, without Criminal Investigation or Treasury Inspector General Tax Administration protection at the meeting. See IRM 25.4 for additional information about Potentially Dangerous Taxpayer and Caution upon Contact Programs.
- b) Taxpayers who have not retracted a frivolous, delaying or impeding argument that was included in their hearing request.
- c) Taxpayers who are not eligible for the collection alternative they seek based on IRS policy.

**8.22.5.6.1.1****In-Person Conference in the Absence of Eligibility for Collection Alternatives**

(1) If the sole purpose of the conference is to discuss a collection alternative, Appeals may require financial information and/or compliance with filing requirements or deposits of tax as an additional condition to granting the in-person conference if required by the collection alternative. (5) If the sole basis of the CDP request is to discuss a collection alternative, give the taxpayer a reasonable opportunity (no fewer than 14 calendar days)to:

a) **Demonstrate** they are eligible for the collection alternative they seek (e.g., the taxpayer has already filed the required return or there was no filing requirement for a particular tax period), or

b) **Become** eligible by filing required returns and/or making required deposit of tax

(11) The following table contains scenarios to assist in determining whether a taxpayer whose sole issue is the discussion of a collection alternative should be granted an in-person conference: ...

**8.22.5.6.1.2****In-Person Conference and Currently Not Collectible (CNC) Hardship**

(1) Deleted to remove reference to require In-person criteria.

**8.22.5.6.1.3****Case Transfer Procedures**

(3) Employees will use procedures in-IRM 8.6.1.4.1, *Conference Practice*, IRM 8.6.1.4.1.1, *Circuit Riding*, to accommodate an in-person conference request and offer a virtual conference in accordance with IRM 8.6.1.4.5, *Virtual Service Delivery*, when appropriate.

**8.23.2.1****Receipt**

(2) Field Collection, Field Examination and the Centralized Offer in Compromise (COIC) sites forward taxpayers' appeals of rejected offers. The campus Appeals offices in Brookhaven and Memphis work the bulk of cases coming out of the COIC sites. The most complex COIC offers and Compliance field source cases are generally assigned to the Appeals office that covers the taxpayer's geographical location.

(3) Within 30 days of assignment of a rejected offer case in Appeals, Letter 5576, *Appeals Offer in Compromise Acknowledgement and Conference Letter* is sent to the taxpayer. Enclose Publication 4227, *Overview of Appeals Process*, and Publication

4167, *Appeals - Introduction to Alternative Dispute Resolution*. The purpose of this letter is to:

- Advise the taxpayer of receipt of the case in Appeals
- Provide the Appeals contact person's name and telephone number
- Explain what the taxpayer can expect from Appeals during the appeal process
- Explain what Appeals generally expects from the taxpayer during the appeal process
- Schedule the telephone conference

**Note:** Appeals campus sites should not enclose Publication 4167 with Letter 5576 because OICs considered at an Appeals campus site are not presently eligible for alternative dispute resolution processes.

### **8.23.2.2**

#### **Assignment of OIC Case**

(1) Appeals receives rejected OIC cases from a variety of sources. Assignments should be based upon case complexity and the experience level of the Appeals Technical Employee (ATE). If the complexity of a certain case extends beyond the technical skills available in a particular location, the case should be reassigned.

(2) Appeals management will occasionally assign or reassign cases to other areas to effectively manage inventory levels.

(3) OICs rejected by a COIC site may be resolved through written or telephone contact. In working these cases, you must be knowledgeable with this IRM text as well as with IRM 5.8, *Offer in Compromise*, IRM 5.14, *Installment Agreements*, IRM 5.15, *Financial Analysis*, and IRM 5.16, *Currently Not Collectible*.

### **8.23.2.2.1**

#### **Transfer of OIC Cases**

(1) If the taxpayer requests an in-person conference in response to Letter 5576, *Appeals Offer in Compromise Acknowledgement and Conference Letter*, grant the request.

(2) There is no separate Appeals policy for OIC cases and in-person hearings. OIC conferences are usually held by telephone or correspondence.

(3) A taxpayer or representative might request to have a case transferred to the Appeals office closest to the taxpayer for an in-person conference. Case transfer procedures are found in IRM 8.6.1.2. Accommodate a taxpayer's or representative's



request for an in-person conference by following procedures in IRM 8.6.1.4.1, *Conference Practice* and IRM 8.6.1.4.1.1 *Circuit Riding* and IRM 8.6.1.4.5, *Virtual Service Delivery (VSD)*.

**Note:** Revenue Procedure 2014-63 was released December 29, 2014, creating a nationwide post-Appeals mediation (PAM) program for **field** Offer in Compromise (OIC) cases. IRM 8.26.9, *Post Appeals Mediation Procedures for Collection Cases*, supplements Revenue Procedure 2014-63 and was updated March 16, 2015. The alternative dispute resolution (ADR) programs are designed to supplement and not replace the standard appeals process. Appeals' primary emphasis is on the standard appeals process and not on ADR. OIC cases will not be transferred from a campus location for the purpose of participating in PAM.

(7 through 11) Deleted.

#### **8.24.1.2**

##### **Collection Appeals Program (CAP)**

(5) Due to the swift resolution and limited nature of CAP reviews, most CAP cases are resolved by telephone or correspondence. However, there may be rare situations in which an in-person hearing request should be granted to reach resolution. These situations will more than likely be rare, but if requested, the employee and his/her manager should consider the facts and circumstances in making the determination to approve or deny the request. Appeals conference techniques are described in IRM 8.6.1, *Conference and Settlement Practices – Conference and Issue Resolution*.

**Note:** If an in-person hearing is not necessary to resolve the account or fully explain Appeals' determination to the taxpayer or representative, the conference should be held by telephone.

#### **8.25.2.5**

##### **Conference Guidelines**

(1) Appeals conducts conferences using a number of techniques, including telephone, correspondence, virtual technology and in person. If the taxpayer and/or representative requests an in-person conference, Appeals will use its best efforts to schedule an in-person conference on a date and at a location that is reasonably convenient for the taxpayer/representative and Appeals, see IRM 8.6.1, *Conference and Issue Resolution*.