

Corporation Application for Tentative Refund
 (See Instruction C for When to File)
Do Not Attach to Your Income Tax Return—File Separately to Expedite Processing

Name	Employer identification number
Number and Street	Date of incorporation
City or Town, State, and ZIP code	

1 This application is filed to carryback: (If no entry in 1(a) or (b), skip lines 9 to 13)	(a) Net operating loss (attach computation) ▶	\$	(c) Unused investment credit ▶	\$	(f) Unused research credit ▶	\$
	(b) Net capital loss (attach computation) ▶	\$	(d) Unused WIN credit . . . ▶	\$	(g) Unused employee stock ownership credit . . . ▶	\$
	(e) Unused jobs credit . . . ▶	\$				

2 Return for year of carryback, OR overpayment under section 1341(b)(1) . . . ▶	(a) Tax year ended	(b) Date filed	(c) Service center where filed
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3 (a) Preceding tax year affected by carryback	(b) Service center where returns were filed (City and State)	(c) Unpaid tax for which extension of time for payment of tax on Form 1138 is in effect
3rd		
2nd		
1st		
		\$

- 4** Was a consolidated return filed for any year specified in items 2 or 3? Yes No
 If "Yes," identify the year and enter the employer identification number if different than above ▶
- 5** If Form 1138 (Extension of Time for Payment of Taxes by a Corporation Expecting a Net Operating Loss Carryback) has been filed, was an extension of time granted for filing the return for the year of the net operating loss? Yes No
 If "Yes," give date to which extension was granted ▶ Give date Form 1138 was filed ▶
- 6** If you changed your accounting period, give date permission to change was granted ▶
- 7** If this is an application of a dissolved corporation, give date of dissolution ▶
- 8** Have you filed a petition in Tax Court for the year or years to which the carryback is to be applied? Yes No

Computation of Decrease in Tax	3rd preceding tax year ended ▶		2nd preceding tax year ended ▶		1st preceding tax year ended ▶	
	(a) Before carryback	(b) After carryback	(c) Before carryback	(d) After carryback	(e) Before carryback	(f) After carryback
9 Taxable income from tax return						
10 Capital gains offset by capital loss carryback . . .						
11 Subtract line 10 from line 9						
12 Net operating loss deduction after carryback . . .						
13 Taxable income (subtract line 12 from line 11) . . .						
14 Income tax						
15 Investment credit						
16 WIN credit						
17 Jobs credit						
18 Research credit						
19 Employee stock ownership credit						
20 Other credits (identify)						
21 Total credits (add lines 15 through 20)						
22 Subtract line 21 from line 14						
23 Personal holding company tax (Sch. PH 1120)						
24 Recapture of investment credit						
25 Recapture of WIN credit						
26 Minimum tax						
27 Total tax liability (add lines 22 through 26)						
28 Enter amounts from line 27, cols. (b), (d) and (f)						
29 Decrease in tax (subtract line 28 from line 27)						

30 Overpayment of tax due to a claim of right adjustment under section 1341(b)(1)—attach computation

Under penalties of perjury, I declare that I have examined this application, including any accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct, and complete.

 Date Signature of officer Title

Instructions

(References are to the Internal Revenue Code)

Paperwork Reduction Act Notice.—The Paperwork Reduction Act of 1980 says we must tell you why we are collecting this information, how we will use it, and whether you have to give it to us. We ask for the information to carry out the Internal Revenue laws of the United States. We need it to ensure that you are complying with these laws and to allow us to figure and collect the right amount of tax. You are required to give us this information.

A. Purpose.—You must use Form 1139 to apply for:

- A quick refund of taxes from carryback of a net operating loss, a net capital loss, unused investment credit, unused WIN credit, unused jobs credit, unused research credit, or unused employee stock ownership credit.

- A quick refund of taxes from an overpayment of tax due to a claim of right adjustment under section 1341(b)(1).

This does not apply to a small business corporation that elects the tax treatment provided by subchapter S.

Note: You may elect to carryover a net operating loss instead of first carrying it back, by attaching a statement to that effect on a return filed on time (including any extensions) for the year of the loss. Once you make such an election, it is irrevocable for that tax year. The carryover is limited to 15 years, whether or not you first use a carryback.

B. Where to File.—File this form with the Internal Revenue Service Center where you are required to file your income tax return.

Do not attach Form 1139 to your income tax return.

C. When to File.—File this form within 1 year after the end of the year in which the net operating loss, net capital loss, unused credit, or claim of right adjustment arose, but only after you have filed the return for that year.

If an unused credit arises, you may carry it back 3 more years when:

- A net operating loss carryback or a net capital loss carryback eliminates or reduces an investment credit, WIN credit, jobs credit, or research credit in an earlier year.

- An investment credit carryback reduces a WIN credit, jobs credit, or research credit in an earlier year.

- A WIN credit carryback reduces a jobs credit, or research credit in an earlier year.

- A jobs credit carryback reduces a research credit in an earlier year.

Since the unused credit created affects the taxes of a year or years before the 3 years preceding the loss year or unused credit year, you must use a second Form 1139 for the earlier year(s). You must also file the second application within 1 year after the year of the net operating loss, net capital loss, or unused credit. To expedite processing, file the two Forms 1139 together.

If you filed Form 1138 and want a further extension of time to pay, you must file Form 1139. Do this by the last day of the month in which the due date falls (including any extension of time granted) for filing the return for the tax year of the net operating loss from which the carryback results.

D. Allowance of Adjustment.—The IRS will act on this application within 90 days from the later of:

- The date you file the application; or
- The last day of the month in which the due date falls (including any extension of time granted) for filing the return for the tax year of the net operating loss, net capital loss, or unused credit. (For an overpayment of tax under section 1341(b)(1), 90 days from the date of the overpayment.)

Additional information.—We may need to contact you (or your authorized representative if you have one) for more information so we can act on your application. If you want to designate a representative for us to contact (for example, your accountant or tax return preparer), please attach a copy of your authorization to Form 1139. You may use for this purpose Form 2848, Power of Attorney and Declaration of Representative, or Form 2848-D, Tax Information Authorization and Declaration of Representative.

E. Disallowance of Application.—Any application may be disallowed if it has material omissions or math errors that the IRS believes it cannot correct within the 90-day period. This application for a tentative carryback adjustment is not a claim for credit or refund. If it is disallowed in whole or in part, no suit may be brought in any court for the recovery of that tax. But you may file a regular claim for credit or refund on Form 1120X at any time before the statute of limitations expires. See section 6511.

F. Excess Allowances.—Any amount applied, credited, or refunded based on this application that the IRS later determines to be excessive may be billed as if it were due to a math or clerical error on the return.

G. Form 1120X.—You may get a refund by filing Form 1120X instead of Form 1139. Generally, you must file Form 1120X within 3 years after the due date of the return for the tax year of the net operating loss or unused credit.

If you use Form 1120X, attach a computation of your net operating loss, or page 1 of Form 1120, for the loss year. Complete a separate Form 1120X for each year you request an adjustment.

Line-By-Line Instructions

Enter in columns (a), (c) and (e) your tax for the applicable carryback year as shown on your original or amended return. If the return was examined, enter the amounts determined as a result of the examination.

Line 1(a). Net Operating Loss Carryback.—Generally, you must first carry a net operating loss back to the 3rd tax year before the loss year. Any loss not used in the 3rd year is carried to the 2nd, and then the 1st preceding years. A loss not applied in the 3 preceding years may be carried over up to 15 years. Special rules apply for any part of a net operating loss related to a foreign expropriation loss, a product liability loss, and certain other losses. See section 172(b) and related regulations for details. Also, see section 168(i) for special rules if you are a lessor of safe harbor lease property.

Show on a separate attachment all adjustments required to figure a net operating loss

that may be carried back to any year. You may attach instead a copy of page 1 of Form 1120 for the loss year.

Line 1(b). Capital Loss Carryback.—You may carry net capital losses back 3 years and treat them as a short-term capital loss in the carryback year to which they apply. You may carry the net capital loss back only to the extent it does not increase or produce a net operating loss in the tax year to which you carry it. For special rules on capital loss carrybacks, see section 1212(a)(4).

Lines 1(c), (d), (e), (f), and (g).—Carryback of Unused Investment Credit, Unused WIN Credit, Unused Jobs Credit, Unused Research Credit, or Unused Employee Stock Ownership Credit.—If you claim a tentative adjustment based on the carryback of any of these credits, attach:

- A detailed computation showing how you figured the credit carryback, and

- A recomputation of the credit after you apply the carryback.

Make the recomputation on the appropriate credit form, or on an attachment that follows the format of the form for the tax year of the tentative allowance.

Line 10.—Enter the amount of capital loss carryback that offsets capital gains. The carryback cannot be more than the net capital gains in the year to which it is carried. (Determine this without regard to the net capital loss of the loss year or for any later tax year.) Attach a computation of the capital gains against which you are applying the capital loss carryback. You may attach instead a copy of Schedule D (Form 1120) for the carryback year. A net capital loss carryback will reduce, but not below zero, the net long-term capital gain of an earlier year, and also affect the alternative tax computation that took the capital gain into account.

Line 14. Income tax.—For columns (b), (d), and (f) refigure the tax after taking the carryback(s) into account. Form 1120, Schedule D (Form 1120), and instructions for the applicable year will help you make this recomputation.

Attach a detailed computation of the new tax shown on line 14 and if it applies, the alternative tax. If the alternative tax does apply write "Sch D" in each applicable column. The computation must take into account:

- Sections 1561 through 1564, and
- Changes in the alternative tax rates under section 1201.

Line 26. Minimum tax.—Refigure your minimum tax for an earlier year in which you had items of tax preference if you carried a net operating loss, net capital loss, or unused credit back to that year. Attach a recomputation of the minimum tax for the earlier year using Form 4626.

Line 29. Decrease in tax.—The quick refund is limited to the tax decrease that results from the carryback, and its effect on any items taken into account in figuring the tax previously determined.

Line 30. Overpayment of Tax Under Section 1341(b)(1).—If you are filing a tentative refund for overpayment of tax under section 1341(b)(1), enter the overpayment on line 30 and attach a computation showing the information required by regulation section 5.6411-1(d).