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Appeals: Navigating Collection Cases through the Appeals Process



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Mission

To resolve tax controversies, without litigation, on a basis which is fair and impartial to both the Government and the taxpayer in a manner that will enhance voluntary compliance and public confidence in the integrity and efficiency of the Service.



Our Commitments

- Appeals is independent, no *ex parte* communication
- Provide explanation of your appeal rights, the appeal process, and any post appeal rights
- Listen to your concerns, be courteous, and professional
- Be timely and responsive
- Be fair and impartial

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Your Responsibilities

- Listen to our explanation of your appeal rights and the Appeals process
- Give us a statement as to how you understand the facts and the law, listing all issues with which you disagree and why
- Provide us information that we need within a reasonable time
- Tell us when and how you think your case should be resolved
- Let us know the best time to contact you



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Collection Appeals Program (CAP)

Prerequisites: proposed or actual lien/levy/installment agreement actions

Issues raised: only the lien/levy/installment agreement proposed or taken actions; third party claims to property

Exclusions: TFRP, OIC, penalty appeals, jeopardy levies, audit reconsiderations, claims, innocent spouse, liability issues

Collection Appeals Program (CAP)

Format:

- Field case - use Form 9423
- ACS/Campus – oral request or use Form 9423

When to appeal:

- Any time before/after lien/levy
- Before seizure or within 10 days of Notice of Seizure
- When proposed installment agreement (IA) is rejected
- When IA is defaulted /terminated, or modification denied
- After conference with group manager (except for installment agreements)



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Collection Due Process (CDP) & Equivalent Hearings (EH)

Prerequisites:

- CDP Lien Notice (L3172) issued
- CDP Levy Notice (LT11, L1058, CP90) issued

Issues raised: Any relevant issue, including appropriateness of lien/levy, legal sufficiency, challenge to liability, spousal defenses, collection alternatives

Exclusions: some liability challenges, moral, religious, or constitutional challenges



Collection Due Process (CDP) & Equivalent Hearings (EH)



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Format: Form 12253 or written equivalent

When to appeal:

CDP

- Levy – within 30 days of CDP levy notice
- Lien – presumptive date of filing +5 business days + 30 days (refer to L3172 letter)

EH

- within one year after CDP notice first issued
- must actually request EH proceeding

Rejected Offer in Compromise (OIC)



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Prerequisites: offer rejection letter received

Issues raised: Reasonable Collection Potential (RCP) or hardship / equity considerations

Exclusions: Not processable or mandatory withdrawal

Format: Form 13711 or detailed letter

When to appeal: within 30 days of date rejection letter issued



Proposed Trust Fund Recovery Penalty (TFRP)



Prerequisites: Issue of L1153 letter

Issues: Responsibility, Willfulness, Amount of the penalty

Exclusions: Collectability & Who may have been assessed

Format: Small-dollar cases or Formal Protest

When: within 60 days of date L1153 issued

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The Conference

- Appeals reviews administrative case file
- Informal discussion of the issues raised
- May need to return new information to Compliance for investigation
- Decision Explained

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Concluding the Appeal

Agreement:

- CAP – Appeals decision is final and binding on both the taxpayer and the IRS; decision letter issued
- CDP – Form 12257 waiver or Notice of Determination
- EH – Decision Letter issued
- OIC- Acceptance letter issued; amended Form 656
- TFRP – Form 866 closing agreement, Form 2751, or decision letter

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Concluding the Appeal

Unagreed:

- CAP – Appeals decision is final; binding on both the taxpayer and the IRS; decision letter issued
- CDP – Notice of Determination issued; petition Tax Court
- EH – Decision Letter issued; can petition Tax Court only on timeliness determination
- OIC – Rejection letter issued; limited Post Appeals Mediation
- TFRP – Closing letter issued; file claim to go to Court; limited Post Appeals Mediation



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Post Appeals Mediation (PAM)



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- Available for Rejected OIC and TFRP cases
- Revenue Procedure 2014-63, IRM 8.26.9
- Voluntary, non-binding
- Legal or factual issues that are fully developed, but unresolved



Appeals... Resolving Tax Disputes



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- Employees
- Self-Employed
- International Taxpayers
- Military
- Parents
- Seniors & Retirees
- Students



Taxpayer Bill of Rights

What You Should Know >

Appeals



About the Office of Appeals

Every year, the Office of Appeals helps over 100,000 taxpayers resolve their tax disputes without going to Tax Court. We are an independent organization within the IRS whose mission is to help taxpayers and the Government resolve tax disagreements. Appeals does not seek to take sides in a dispute; rather we offer an objective point of view on each individual case. We review each case after the applicable IRS compliance has made its decision and work to resolve disagreements in the case on a basis that is fair and impartial to both the Government and the taxpayer.

Appeals also offers mediation services through Fast Track Settlement and other programs. These mediation programs are designed to help you resolve your dispute at the earliest possible stage in the audit or collection process.

Getting Started with Appeals

If you've received an IRS letter stating that your case qualifies to be reviewed by Appeals then the following topics will help you get started.

- [Appeals – An Independent Organization](#)
- [Is Appeals the place for you?](#)
- [Preparing an Appeals request](#)
- [What can you expect from Appeals?](#)

Helpful Tools

- > [Online Videos and Podcasts of the Appeals Process](#)
- > [Appeals Online Self-Help Tools](#)
- > [Forms and Publications About Your Appeal Rights](#)

Programs & Services

- > [Appeals Mediation Programs](#)
- > [Domestic and International Programs](#)
- > [Art Appraisal Services](#)