

INTERNAL REVENUE SERVICE

Number: **INFO 2003-0053**

Release Date: 3/31/2003

CC:ITA:B07 [REDACTED]
GENIN-161692-02
UIL #274.08-00

[REDACTED]

Dear [REDACTED]:

Reference: [REDACTED]
Per Diem claims

Your Ref: Letter dated September 20, 2002

We have received a copy of your letter of **September 20, 2002**, to Christopher Kane regarding the status of merchant mariners' tax refund claims for daily incidental expenses while aboard ship. In your letter, you asked when the new regulations mentioned by Ms. Erby, Associate Taxpayer Advocate, would be in place. Additionally, you requested an estimate of the processing time of your client's claims for refund. We hope the following information is helpful.

Effective for travel away from home on and after October 1, 2002, new temporary regulations and a new revenue procedure authorize a simplified method of determining the amount of incidental expenses a taxpayer may deduct for incidental expenses incurred while traveling away from home on business for a taxpayer who does not incur meal expenses. A taxpayer may not incur meal expenses if, for example, the taxpayer's employer is obligated by law to provide the taxpayer with meals for each day of travel. The amount of the deduction is \$2 for each full day of travel away from home. The taxpayer is obliged to prove the time, place, and business purpose of the travel away from home for each day as well. This simplified method of determining the amount of the taxpayer's incidental expenses appears in section 4.05 on pages 694 and 695 of Rev. Proc. 2002-63, published October 15, 2002, in Internal Revenue Bulletin No. 2002-41. We enclose a copy of this revenue procedure for your information.

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Your second request regarding the processing time of your client's claims is outside the jurisdiction of this office. Our office has responded to general inquiries by Service personnel processing such claims in a legal memorandum released to the public pursuant to I.R.C. § 6110(i). We enclose a copy of this memorandum.

Claims for refund normally follow the same routing as tax returns within the Internal Revenue Service. The mailing address on the documents that you provided indicates that your client submits his tax returns to the Service's Memphis Campus. If his claim is currently open there, he can learn the status of his claim by calling the Memphis Campus's Customer Service toll-free number, 1-866-899-9085.

We regret the delay in responding to your letter, which was not received initially in this office. Since the date of your letter, however, the changes noted above may have already had an effect on the processing of claims from your office. If, however, you have continuing concerns about any claim on which you have not heard, we suggest that you contact the personnel in the Service Center to which you directed the claim.

Sincerely,

George Baker
Chief, Branch 7
Income Tax and Accounting

Enclosures (2): Rev. Proc. 2002-63
 National Office Legal Advice