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From:

Sent: Thursday, August 30, 2012 9:52:57 AM

To:

Cc:

Subject: Advice on the NOL carryback case

Taxpayer:

Thanks very much for your patience. I, and the tentative refund claim and NOL experts in Counsel, have thoroughly reviewed the facts in this case. Unfortunately, we have concluded that the taxpayer is not entitled to relief. The due date for filing a Form 1045 to claim a carryback of the loss to tax years was . Although the taxpayer attempted to file Form 1045 on a number of occasions prior to , each of those filings contained a material omission within the meaning of IRC section 6411(b). The claim filed on or about , and received by the IRS on was a complete submission, but unfortunately it was filed too late.

Again, I appreciate your patience while we reviewed this case. Please let me know if you have any questions.

I am copying , as had asked to look into this case.