



DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, D.C. 20224

OFFICE OF THE CHIEF COUNSEL

June 10, 2015

CC:PA:01
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Attention:

Dear _____ :

This letter responds to your request for a pre-submission conference on February 26, 2015, regarding whether the IRS would issue a private letter ruling on the accuracy of Forms 1098 issued to your clients by an information reporter. The IRS understands this matter is at issue in multiple cases for which you are counsel of record.

The IRS declines to offer you a pre-submission conference, and is unable to issue a private letter ruling in this matter. A letter ruling is generally issued prior to the filing of returns. See Rev. Proc. 2015-1 § 2.01. Additionally, the Service does not ordinarily issue letter rulings if the issue is pending in litigation involving the taxpayer. See Rev. Proc. 2015-1 § 6.01(3). Moreover, no IRS proceeding allows a taxpayer to challenge the accuracy of a third party's information returns outside the context of an individual return or refund claim, and the IRS cannot disclose an information reporter's return information to you without the consent of the information reporter. See I.R.C. § 6103. We hope, however, that the following general information is helpful.

A taxpayer can take a mortgage interest deduction for an amount greater than the amount reported on a Form 1098 if the taxpayer paid more deductible interest to the financial institution than the amount shown on that form. See Pub. 936 at 9 (2014). If a taxpayer failed to take a deduction that the taxpayer was entitled to and is within the period of limitations, the taxpayer can file an amended tax return to request a refund. See Pub. 17 at 17-18 (2014).

This letter has called your attention to certain general principles of the law. It is intended for informational purposes only and does not constitute a ruling. See Rev. Proc. 2015-1, §2.04, 2015-1 IRB 8 (Jan. 2, 2015). If you have any additional questions, please contact our office at .

Sincerely,

Blaise Dusenberry
Senior Technician Reviewer
(Procedure & Administration)