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THE OFFICE OF THE TAXPAYER ADVOCATE OPERATES INDEPENDENTLY OF ANY OTHER IRS OFFICE AND REPORTS DIRECTLY TO CONGRESS THROUGH THE NATIONAL TAXPAYER ADVOCATE.

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MEMORANDUM FOR TAXPAYER ADVOCATE SERVICE EMPLOYEES

FROM: /s/ Nina E. Olson
National Taxpayer Advocate

SUBJECT: Interim Guidance on Accepting Cases under TAS
Case Criteria 9, *Public Policy*

The purpose of this memo is to provide guidance for Taxpayer Advocate Service (TAS) employees on the types of cases accepted into TAS under Criteria 9 – *Public Policy*, as outlined in Internal Revenue Manual (IRM) 13.1.7.2.4, *TAS Case Criteria 9, TAS “Public Policy.”*

Under Internal Revenue Code (IRC) § 7803(c), I have the sole authority to determine TAS case acceptance criteria. As established in IRM 13.1.7.2.4, if I determine that a compelling public policy warrants assistance to an individual or group of taxpayers, I can designate the issue as meeting case acceptance Criteria 9. I am authorizing the following three issues for acceptance under Criteria 9 when the case does not meet TAS Criteria 1 through 8:

- 1) Claims involving “Ponzi” or other failed investment schemes;
- 2) Organizations where IRS automatically revoked their tax-exempt status because the organization did not file an annual return or notice for three consecutive years; and
- 3) Earned Income Tax Credit (EITC) cases referred to TAS as part of the Correspondence Examination Enhanced Communication Study conducted by TAS, Wage and Investment Division, and Small Business/Self-Employed Divisions.

Reminder: if a case involves an issue designated for acceptance under Criteria 9, you should first determine if the taxpayer's circumstances meet TAS Case Criteria 1 through 8. The case should only be designated Criteria 9 if it **does not** meet any other TAS case criteria.

Effect on Other Documents: TAS will not incorporate this guidance into IRM 13.1.7 because TAS will issue annual guidance on case issues authorized for acceptance under TAS Case Criteria 9.

Please contact Mara Christian, Chief, Policy Group, at (505) 837-5707, if you have questions.