

FRESNO CA 93888-0046

In reply refer to: 1024389234  
June 19, 2017 LTR 854C 3  
201612 30 1  
Input Op: 1024389234 00025233  
BODC: SB



007417

Taxpayer identification number:  
Tax periods: Dec. 31, 2016  
Form: 1040X

Kind of Penalty: Estimated Tax Penalty

Dear Taxpayer:

Thank you for your inquiry dated May 26, 2017.

We adjusted your Schedule C as requested.

We're unable to waive the penalty for underpayment of estimated tax based on the explanation you gave. We can only waive the penalty if you failed to pay because:

1. a casualty, disaster, or other unusual circumstance occurred, and charging the penalty would be against equity and good conscience,

OR

2. you retired during the tax year after reaching age 62,

OR

3. you became disabled during a tax year that estimated payments were due or during the previous tax year,

AND

4. the underpayment was due to reasonable cause and not to willful neglect.

If you want to appeal or give us more information, the following will be helpful.

#### APPEALS PROCEDURES

If you have additional information and want your case to receive further consideration by the Office of Appeals, provide a detailed written statement of the dispute issues, along with supporting documentation, to the Service Center Penalty Appeals Coordinator within 60 days from the date of this letter.

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**It must include:**

1. Your name and address;
2. Your social security number or employer identification number;
3. A statement that you want to appeal the findings;
4. A statement of facts supporting your position on the issues you are appealing;
5. If possible, a statement outlining the law or other authority on which you rely;
6. A copy of your original request, if available; and
7. A copy of this letter.

The statement of facts, in 4 above, should be detailed and complete, including specific dates, names, amounts, and locations. You must declare the statement true under penalties of perjury. You may do this by adding to your statement the following signed declaration:

"Under penalties of perjury, I declare that the facts presented in my written protest, which are set out in the accompanying statement of facts, schedules, and other statements are, to the best of my knowledge and belief, true, correct, and complete."

If your authorized representative sends us the protest for you, he or she may substitute a declaration stating that he or she prepared the statement and accompanying documents and whether he or she knows that the statement and accompanying documents are true and correct.

Please send your response to:

Internal Revenue Service  
Service Center Penalty Appeals Coordinator  
Attn:  
P. O. Box 24011  
Fresno CA 93779-4011

The Service Center Penalty Appeals Coordinator will review your appeal information to determine whether the penalty should be removed or reduced. If your appeal can't be resolved immediately with the additional information, the coordinator will send your written statement to the Appeals Office serving your district.

**REPRESENTATION**

An attorney, certified public accountant, or person enrolled to practice before the IRS can represent you. To have someone represent you, attach a Form 2848, Power of Attorney and Declaration of



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Representative, (or similar written authorization) to your written statement.

Forms, instructions, and Treasury Department Circular 230, Regulations Governing Practice before the Internal Revenue Service, are available from any IRS office. They are also available by calling 1-800-829-3676 and from our website at www.irs.gov.

OTHER INFORMATION

If taxes are overdue on your account, you'll continue to receive bills, even if you appeal the penalty. If you decide to appeal, you can pay the penalty to avoid further interest charges on the penalty amount. If you appeal the penalty and the Appeals Officer determines you aren't required to pay it, we'll adjust your account and send you a refund.

If you don't appeal, you can file a claim for refund after you pay the penalty. If you want to take your case to court immediately, you should request, in writing, that your claim for refund be immediately rejected. Then you'll be issued a notice of disallowance. You have two years from the date of the notice of disallowance to bring suit in the United States District Court having jurisdiction or in the United States Court of Federal Claims.

If you have questions, you can call us toll free at 1-800-829-8374.

If you prefer, you can write to us at the address at the top of the first page of this letter.

When you write, include this letter and provide in the spaces below your telephone number with the hours we can reach you. Keep a copy of this letter for your records.

Telephone Number ( ) \_\_\_\_\_ Hours \_\_\_\_\_

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Sincerely yours,

OPERATIONS MANAGER, DDC PERFECTION

Enclosures:  
Copy of this letter  
Envelope  
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