

**Letter of Findings: 01-20140575
Individual Income Tax
For the Year 2013**

NOTICE: IC § 6-8.1-3-3.5 and IC § 4-22-7-7 require the publication of this document in the Indiana Register. This document provides the general public with information about the Department's official position concerning a specific set of facts and issues. This document is effective on its date of publication and remains in effect until the date it is superseded or deleted by the publication of another document in the Indiana Register.

ISSUE

I. Individual Income Tax - Dependents' Social Security Numbers.

Authority: IC § 4-1-8-1(a); IC § 6-8.1-5-1(c); Indiana Dep't of State Revenue v. Rent-A-Center East, Inc., 963 N.E.2d 463 (Ind. 2012); Lafayette Square Amoco, Inc. v. Indiana Dep't of State Revenue, 867 N.E.2d 289 (Ind. Tax Ct. 2007).

Taxpayer argues that the Indiana Department of Revenue does not have authority to require him to either obtain or report on his 2013 Indiana income tax return his children's Social Security Numbers.

STATEMENT OF FACTS

Taxpayer is an Indiana resident who filed a 2013 Indiana income tax return. On that return, Taxpayer claimed exemptions for three dependent children. Taxpayer declined to provide the Social Security Numbers for those dependent children.

The Indiana Department of Revenue ("Department") disallowed the exemption amount (\$4,500) attributable to the three claimed dependent children. The Department issued an assessment for \$73 in additional income tax.

Taxpayer disagreed with the assessment and submitted a protest to that effect. This Letter of Findings results.

I. Individual Income Tax - Dependents' Social Security Numbers.

DISCUSSION

Taxpayer disagrees with the assessment of individual income tax on the ground that his "three children identified meet the eligibility criteria of an additional exemption" and that "[t]here is no requirement that dependents have a SSN."

Since Taxpayer's protest is predicated on an assessment of additional tax, it becomes Taxpayer's responsibility to establish that the assessment was incorrect. As stated in IC § 6-8.1-5-1(c), "The notice of proposed assessment is prima facie evidence that the department's claim for the unpaid tax is valid. The burden of proving that the proposed assessment is wrong rests with the person against whom the proposed assessment is made." Indiana Dep't of State Revenue v. Rent-A-Center East, Inc., 963 N.E.2d 463, 466 (Ind. 2012); Lafayette Square Amoco, Inc. v. Indiana Dep't of State Revenue, 867 N.E.2d 289, 292 (Ind. Tax Ct. 2007). Thus, a taxpayer is required to provide documentation explaining and supporting his or her challenge that the Department's position is wrong.

Taxpayer argues that Indiana law precludes the Department from requiring Taxpayer - or presumably his children - from providing Social Security Numbers. Taxpayer points to IC § 4-1-8-1(a) as prohibiting Indiana state agencies from requiring individuals to provide Social Security Numbers.

IC § 4-1-8-1(a) states in part as follows:

No individual may be compelled by any state agency, board, commission, department, bureau, or other entity of state government (referred to as "state agency" in this chapter) to provide the individual's Social Security number to the state agency against the individual's will, absent federal requirements to the contrary.

However, the provisions of this chapter do not apply to the following:

(1) Department of state revenue.

However, the cited authority clearly provides the Department an exemption from the statutory prohibition. Taxpayer's interpretation to the contrary is mistaken.

Taxpayer also argues that the Department's requirement violates his federal and state constitutional rights because the Department's position precludes his right to exercise his religious beliefs. Taxpayer explains that his "belief is that the Social Security Number is the mark of the beast." Taxpayer further explains that the Department's requirement imposed on him and his family is "substantial and excessive" and that the Department's identification requirement is not "in furtherance of a compelling governmental interest."

The Department respectfully declines the opportunity to address Taxpayer's constitutional questions; an administrative hearing is not the appropriate venue in which to challenge the constitutionality of the Department's requirement that taxpayers provide Social Security Numbers as a routine administrative function clearly permitted under IC § 4-1-8-1(a).

FINDING

Taxpayer's protest is respectfully denied.

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