

**OFFICE OF TAX APPEALS**  
**STATE OF CALIFORNIA**

In the Matter of the Appeal of: ) OTA Case No. 18011305  
FRANCES HENDERSON (REQUESTING )  
SPOUSE) AND )  
ROBERT HENDERSON (NONREQUESTING )  
SPOUSE) )

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**OPINION**

Representing the Parties:

For Requesting Spouse: Frances Henderson  
For Nonrequesting Spouse: Robert Henderson  
For Respondent: Meghan McEvilly, Tax Counsel III

For Office of Tax Appeals: Linda Frenklak, Tax Counsel V

A. LONG, Administrative Law Judge: Pursuant to Revenue and Taxation Code (R&TC) sections 18533, 19006, and 19045, Frances Henderson (requesting spouse) appeals an action by respondent Franchise Tax Board (FTB) denying her innocent spouse relief for the 2005, 2006, and 2007 tax years.<sup>1</sup> Robert Henderson (nonrequesting spouse) joined this appeal, supporting FTB’s determination to deny Ms. Henderson relief.

Ms. Henderson waived the right to an oral hearing; therefore, the matter is being decided based on the written record.

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<sup>1</sup> The length of time between the tax years and the filing of this appeal is due to Ms. Henderson filing a request for innocent spouse relief on July 8, 2015. The tax liabilities for 2005, 2006, and 2007 are \$8,984.42, \$862.62, and \$1,308.08, respectively, as indicated in the Notice of Action-Denial dated January 26, 2016. Appellant also protested the 2008 tax year but because FTB determined that the Hendersons had no tax liability for 2008, Ms. Henderson’s request for innocent tax liability was moot and therefore not acknowledged by the Office of Tax Appeals.

### ISSUES

1. Whether Ms. Henderson has established entitlement to innocent spouse relief.
2. Whether Ms. Henderson has established entitlement to relief from nonpayment of the 2005, 2006, or 2007 joint tax liability.

### FACTUAL FINDINGS

#### 2005 Return

1. On August 18, 2014, Ms. Henderson and Mr. Henderson (the couple) filed a joint return (FTB Form 540) for 2005. On their 2005 return, the couple reported a California tax due of \$4,603. Both spouses signed the 2005 return on August 9, 2014. The couple did not remit any payment when they filed their 2005 return.
2. FTB accepted the couple's 2005 return as filed and imposed a late-filing penalty of \$1,150.75 effective on April 15, 2006.

#### 2006 Return

3. On August 15, 2014, the couple filed a joint return for 2006. On their 2006 return, the couple reported a California tax due of \$375. Both spouses signed the 2006 return on August 9, 2014. The couple did not remit any payment when they filed their 2006 return.
4. FTB accepted the couple's 2006 return as filed and imposed a late-filing penalty of \$100 effective on April 15, 2007. On June 8, 2009, FTB imposed a notice and demand penalty of \$36.75 and a filing enforcement cost recovery fee of \$119.00.

#### 2007 Return

5. On August 15, 2014, the couple filed a joint return for 2007. On their 2007 return, the couple reported a California tax due of \$477. Both spouses signed the 2007 return on August 9, 2014. The couple did not remit any payment when they filed their 2007 return.
6. FTB accepted the couple's 2007 return as filed and imposed a late-filing penalty of \$119.25 effective on April 15, 2008. On April 20, 2009, FTB imposed a notice and demand penalty of \$119.25 and a filing enforcement cost recovery fee of \$119.00.

Request for Innocent Spouse Relief

7. On July 8, 2015, Ms. Henderson filed an Innocent Joint Filer Relief Request (FTB Form 705) for 2005 through 2007, which reports that the couple was still married. Attached to the FTB Form 705 are copies of an undated supporting letter from Ms. Henderson and a completed IRS Form 8857 requesting federal innocent spouse relief for 2005, 2006, 2007, and 2008, which Ms. Henderson signed under penalties of perjury.
8. FTB sent Ms. Henderson a Request for Information dated November 9, 2015, acknowledging receipt of the request for relief of liability for 2005 through 2007 and requesting additional documents by December 9, 2015.
9. FTB sent Mr. Henderson a Non-Requesting Taxpayer Notice dated November 18, 2015, informing him that Ms. Henderson requested innocent spouse relief and requesting a response by December 18, 2015.
10. On December 19, 2015, FTB received information from Mr. Henderson, indicating that the couple planned to enter into an installment agreement to pay their joint tax liabilities, the couple still had unresolved federal tax liabilities for 2005 through 2007, and Ms. Henderson benefited from the unpaid tax liabilities.
11. In separate Notices of Action dated January 26, 2016, FTB informed Ms. Henderson and Mr. Henderson that it denied Ms. Henderson's request for relief of liability pursuant to R&TC section 18533(f).
12. This timely appeal followed.

DISCUSSIONIssue 1 - Whether Ms. Henderson has established entitlement to innocent spouse relief.General Legal Background Regarding Innocent Spouse Relief

When a joint return is filed, each spouse is jointly and severally liable for the entire tax due for that tax year. (Int.Rev. Code (IRC), § 6013(d)(3); R&TC, § 19006(b).) However, federal and California law provide that an individual who files a joint return may be relieved of all or a portion of such joint and several liability. (IRC, § 6015; R&TC, § 18533.) R&TC section 18533, subdivision (b), provides for traditional innocent spouse relief; subdivision (c) provides for separate allocation relief; and, if a requesting spouse is not eligible for relief under subdivision (b) or (c), a requesting spouse may be eligible for equitable relief under

subdivision (f). (Cf. IRC, § 6015(b), (c), & (f).) Determinations under R&TC section 18533 are made without regard to community property laws. (R&TC, § 18533(a)(2).)

When a California statute is substantially identical to a federal statute (as is generally the case of the innocent spouse statutes), federal law interpreting the federal statute may be considered highly persuasive with regard to the California statute. (*Douglas v. State of California* (1942) 48 Cal.App.2d 835, 838.) Thus, federal authority is applied extensively in California innocent spouse cases. (See R&TC, § 18533(g)(2); *Appeal of Tyler-Griffis* (2006-SBE-004) 2006 WL 3768792.) Treasury Regulations are applied in California innocent spouse cases to the extent that such regulations do not conflict with R&TC section 18533 or FTB's regulations. (R&TC, § 18533(g)(2).)

Except as otherwise provided in the innocent spouse statutes, an individual claiming innocent spouse relief has the burden of establishing each statutory requirement. (*Stevens v. Comm'r* (11th Cir. 1989) 872 F.2d 1499, 1504.) Because the innocent spouse provisions are remedial in nature, such statutes are construed and applied liberally in favor of the individual claiming their benefits. (*Friedman v. Comm'r* (2d Cir. 1995) 53 F.3d 523, 528-529.) However, FTB's determinations are generally presumed to be correct, and an appellant generally bears the burden of proving error. (*Todd v. McColgan* (1949) 89 Cal.App.2d 509, 514; *Appeal of Brockett* (86-SBE-109) 1986 WL 22731.) Unsupported assertions are not sufficient to satisfy an appellant's burden of proof. (*Appeal of Magidow* (82-SBE-274) 1982 WL 11930.)

Although subdivisions (b), (c), and (f) of R&TC section 18533 provide three potential avenues for innocent spouse relief, neither subdivision (b) nor (c) is relevant to the tax years at issue in this appeal, because these subdivisions require the existence of a deficiency (rather than an underpayment of reported tax), and the tax years at issue do not involve deficiencies. Subdivision (f) applies to both a tax deficiency and an underpayment of reported tax.

#### R&TC section 18533(f)

R&TC section 18533(f) provides that FTB may grant equitable innocent spouse relief to an individual "if taking into account all the facts and circumstances, it is inequitable to hold the individual liable for any unpaid tax or any deficiency (or any portion of either)," and the individual does not qualify for innocent spouse relief under subdivisions (b) and (c). Determinations to deny equitable relief are reviewed de novo. (See *Wilson v. Comm'r* (9th Cir. 2013) 705 F.3d 980, 988, affg. T.C. Memo. 2010-134.)

### Internal Revenue Service (IRS) Guidance Regarding Claims for Equitable Relief

IRS regulations reference Revenue Procedure 2000-15 (which was a predecessor of Revenue Procedure 2013-34) or “other guidance” published by the IRS in determining eligibility for equitable relief. (Treas. Reg. § 1.6015-4.) Revenue Procedure 2013-34 provides the current guidance of the IRS with respect to determining whether equitable relief is warranted.

#### Threshold Conditions

Section 4.01 of Revenue Procedure 2013-34 (section 4.01) provides that a requesting spouse must satisfy all of the following threshold conditions to be eligible to submit a request for equitable relief:

1. The requesting spouse filed a joint return for the tax year for which relief is requested;
2. Traditional innocent spouse relief or separate liability allocation relief is not available to the requesting spouse;
3. The request for relief is timely filed;<sup>2</sup>
4. No assets were transferred between the spouses as part of a fraudulent scheme by the spouses;
5. The nonrequesting spouse did not transfer disqualified assets to the requesting spouse;
6. The requesting spouse did not knowingly participate in the filing of a fraudulent joint return; and
7. The income tax liability is attributable (either in full or in part) to an item of the nonrequesting spouse or an underpayment resulting from the nonrequesting spouse’s income unless a specific exception applies.

Ms. Henderson satisfies each of the threshold conditions set forth in section 4.01. The couple filed joint returns for 2005, 2006, and 2007, and relief for the self-assessed unpaid tax liabilities is not available to Ms. Henderson under R&TC section 18533(b) or (c). With regard to the third condition, Ms. Henderson’s request is not barred by the 20-year California collections statute of limitations because she filed a timely request for innocent spouse relief. There is no evidence indicating that the couple transferred assets between them as part of a fraudulent

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<sup>2</sup> Section 4.01(3) provides that an equitable relief request must generally be filed before the expiration of the 10-year federal statute of limitations for collection under IRC section 6502. A request for equitable relief must be filed with FTB within the 20-year California collection statute of limitations. (R&TC, § 19255; Rev. Proc. 2013-34, § 3.02.) The 20-year collection statute of limitations commences from the latest “due and payable liability,” including collection and lien fees. (R&TC, §§ 19255(a); 19221(a).)

scheme, that Mr. Henderson transferred disqualified assets to Ms. Henderson, or that Ms. Henderson knowingly participated in the filing of a fraudulent joint return for any of the tax years at issue. Lastly, there is no dispute that the 2005, 2006, and 2007 tax liabilities are primarily attributable to Mr. Henderson’s income. Ms. Henderson thus satisfies each threshold conditions of section 4.01.

#### Section 4.02

If the threshold conditions for equitable relief are met, section 4.02 of Revenue Procedure 2013-34 (section 4.02) applies a streamlined determination of equitable relief in cases of understatements, as well as underpayments, of income tax liabilities. In the case of an underpayment of tax, a streamlined determination granting equitable relief will be made if all of the following requirements are satisfied:

- The requesting spouse is divorced, legally separated, a widow(er), or has lived apart from a spouse for 12 months prior to the date the determination is made;
- The requesting spouse will suffer economic hardship if relief were not granted as set forth in section 4.03(2)(b); and
- The requesting spouse did not know or have reason to know that the nonrequesting spouse would not or could not pay the underpayment of tax reported on the joint return as set forth in section 4.03(2)(c)(ii).

Here, Ms. Henderson does not satisfy the first requirement of section 4.02, because she has not established that she and Mr. Henderson were divorced, legally separated, or lived apart from each other for 12 months prior to January 26, 2016, the date FTB denied her request for innocent spouse relief. When she filed her request for innocent spouse relief on July 8, 2015, Ms. Henderson indicated on Form 705 and her attached letter that she and Mr. Henderson were married and lived together as “roommates.” In her supplemental brief, Ms. Henderson states that Mr. Henderson “continues to drag out a divorce to force [her] to become homeless,” she and Mr. Henderson are attempting to agree on a marital settlement agreement, and her child support and spousal support were recently reduced. Neither spouse has produced a court decree showing that their marriage was terminated or that they are legally separated.

Ms. Henderson also does not satisfy the second requirement of section 4.02, because she has not established that she will suffer economic hardship if relief is not granted. For purposes

of evaluating economic hardship, “[a] hypothetical hardship is insufficient to justify relief; a taxpayer must demonstrate that imposing joint and several liability is ‘inequitable in present terms and poses a present economic hardship.’” (*Pullins v. Comm’r* (2011) 136 T.C. 432, 446 (citations omitted).) In its opening brief, FTB offered to consider financial hardship further if Ms. Henderson provided additional information and paperwork to FTB. There is no indication in the appeal record that Ms. Henderson contacted FTB or otherwise proffered any information on this point. Accordingly, Ms. Henderson has failed to present evidence that demonstrates that she will be unable to pay her reasonable basic living expenses if relief is not granted. (See *Alt v. Comm’r* (2002) 119 T.C. 306, 315.)

Lastly, Ms. Henderson does not satisfy the third requirement of section 4.02, because she knew or had reason to know that Mr. Henderson would not or could not pay the California tax liabilities reported on the 2005, 2006, and 2007 returns. On her completed IRS Form 8857, Ms. Henderson made the following statements that indicate that she knew or had reason to know that Mr. Henderson would not or could not pay the tax liabilities when she signed each of the returns in August 2014: 1) in 2013, Mr. Henderson told her that he had not filed tax returns in 10 years and in 2011 told Ms. Henderson he “owed 300k”; 2) Mr. Henderson filed for bankruptcy in 2012; 3) Ms. Henderson did not know the amount of Mr. Henderson’s income, but knew he was not working for a few months, “his income had changed, reduced [and] none,” and he had lost some income over the years; 4) Mr. Henderson was supposed to make payment arrangements with the IRS; and 5) Mr. Henderson “purchased a house [and] land [in] 2005 but the land was lost. Also, Ms. Henderson states in her supplemental brief that sometime during 2014, she discovered that Mr. Henderson not only did not “file the taxes but there was a large amount owed,” and she subsequently signed the 2005, 2006, and 2007 returns in a tax attorney’s office with Mr. Henderson present. She does not contend that when she signed the returns, she believed that Mr. Henderson would pay any of these tax liabilities.

The knowledge requirement may be negated if the nonrequesting spouse abused the requesting spouse or maintained control of the household finances by restricting the requesting spouse’s access to financial information such that the nonrequesting spouse’s actions prevented the requesting spouse from questioning or challenging payment of the liability. (Rev. Proc. 2013-34, § 4.03(2)(c)(ii).) Claims of abuse require substantiation, or at minimum, specificity in allegations of abuse. (See *Nihiser v. Comm’r*, T.C. Memo. 2008-135, p. \*9; *Thomassen v.*

*Comm'r*, T.C. Memo. 2011-88.) “A generalized claim of abuse is insufficient.” (*Contreras v. Comm'r*, T.C. Memo. 2019-12, p. \*7, citations omitted.) Ms. Henderson has provided numerous documents to support her allegations of abuse, dating from May 19, 2010, to January 31, 2019. However, Ms. Henderson has not been able to show, and the evidence does not indicate, that the claimed abuse caused her to fear retaliation if she questioned Mr. Henderson as to the payment of the taxes reported as due on any of the returns. In fact, Ms. Henderson claims that at the time she signed the returns at issue, she “signed a few years and then refused to sign anymore,” which indicates that there was no fear of retaliation, and she exercised her actions independently. Moreover, Ms. Henderson stated under penalties of perjury on her IRS Form 8857 that she was not afraid of Mr. Henderson and he did not pose a danger to her, her children, or her other family members.

With respect to the financial control exception, it is insufficient for Ms. Henderson to assert that Mr. Henderson made financial decisions without her knowledge or consent. She has the burden of showing that Mr. Henderson maintained control over the household finances by restricting her access to financial information, and because of the financial control, she was not able to question the payment of the taxes reported as due on the 2005, 2006, or 2007 return or challenge Mr. Henderson’s assurance regarding payment of the taxes for fear of retaliation. Ms. Henderson has not clearly established that she lacked access to the household’s finances and financial information. Ms. Henderson concedes that she became a joint owner of Mr. Henderson’s bank account in 2010, and Mr. Henderson produced copies of bank statements listing both spouses as owners, as well as checks from this account that appear to have Ms. Henderson’s signature, from the period March 2010 through March 2014. As discussed above, Ms. Henderson concedes that she knew that Mr. Henderson purchased an additional house and land during 2005, he subsequently lost the land (presumably due to foreclosure), and he filed a bankruptcy petition in 2012. She also concedes that Mr. Henderson told her in 2013 that he owed \$300,000 in back taxes.

Accordingly, Ms. Henderson has not met her burden of showing that she satisfies each of the requirements of section 4.02 to obtain streamlined relief.

### Section 4.03

If the threshold conditions for equitable relief are met, but the individual requesting relief does not meet each of the requirements under section 4.02, then relief may still be granted under



section 4.03 of Revenue Procedure 2013-34 (section 4.03). Section 4.03 provides a list of factors (including those considered in section 4.02) that are relevant to a determination of whether it would be inequitable to hold the requesting spouse liable for all or part of the tax liability. Under this section, no single factor or a majority of factors necessarily determines the outcome in any particular case. Rather, all factors are to be considered and weighed, and the list of factors is not intended to be exclusive. Depending on the requesting spouse's facts and circumstances, each factor's degree of importance varies. Abuse or the exercise of financial control on the part of the nonrequesting spouse is a factor that may impact the remaining factors. (See Rev. Proc. 2013-34, § 4.03(2).)

In the case of an underpayment of taxes, the following nonexclusive list of factors may be considered under section 4.03:

- Marital Status – whether the requesting spouse is divorced, legally separated, a widow(er), or has lived apart from his or her spouse for 12 months prior to the date the determination is made;
- Economic Hardship – whether the requesting spouse will suffer economic hardship if relief is not granted;
- Knowledge or Reason to Know – whether the requesting spouse did not know or have reason to know that the nonrequesting spouse would not or could not pay the underpayment of tax reported on the joint income tax return, as set forth in section 4.03(2)(c)(ii).
- Nonrequesting Spouse's Legal Obligation – whether the requesting spouse or the nonrequesting spouse has a legal obligation to pay the outstanding tax liability pursuant to a divorce decree or agreement;
- Significant Benefit – whether the requesting spouse received a significant benefit (beyond normal support) from the underpayment;
- Compliance with Income Tax Laws – whether the requesting spouse has made a good faith effort to comply with income tax laws in years following the year for which the request relates; and
- Mental or Physical Health – whether the requesting spouse was in poor physical or mental health at the time the return was filed. (Rev. Proc. 2013-34, § 4.03.)

Marital Status. As discussed in section 4.02, Ms. Henderson has not provided evidence that she is no longer married to Mr. Henderson. This factor is neutral. (Rev. Proc. 2013-34, § 4.03(2)(a).)

Economic Hardship. As discussed in section 4.02, Ms. Henderson has not shown that she would suffer an economic hardship if relief is not granted. The economic hardship factor is also neutral. (Rev. Proc. 2013-34, § 4.03(2)(b).)

Knowledge Factor. For the reasons we discussed above with respect to section 4.02, Ms. Henderson knew or had reason to know that Mr. Henderson would not or could not pay the California tax liability reported on the 2005, 2006, and 2007 returns. This factor thus weighs against granting relief. (Rev. Proc. 2013-34, § 4.03(2)(c).)

Legal Obligation. The legal obligation factor is neutral because neither spouse has produced a divorce decree or a separation agreement that addresses whether either spouse has a legal obligation to pay the couple's 2005, 2006, or 2007 California tax liability. (Rev. Proc. 2013-34, § 4.03(2)(d).)

Compliance with Income Tax Laws. FTB asserts that it has no record of receiving a return for any tax year after the 2008 tax year, but that it received information indicating that Ms. Henderson had a filing obligation for the 2014 tax year. FTB issued Ms. Henderson a Request for a Return for 2014 dated February 10, 2016. After she failed to respond to the request, FTB issued Ms. Henderson a Notice of Proposed Assessment (NPA) for 2014 dated April 11, 2016, which estimated her income to be \$19,080. The NPA proposed a tax liability of \$117 and imposed a late-filing penalty of \$117, plus interest. After Ms. Henderson failed to timely protest the 2014 NPA, the proposed assessment became a final tax liability. FTB also produced a copy of the couple's 2014 federal account transcript dated April 14, 2016, which shows that the IRS granted the couple an extension of time to file their 2014 federal joint return to October 15, 2015, but that no return had been filed. In her supplemental brief, Ms. Henderson did not proffer any information on this point. The compliance with income tax law factor thus weighs against granting relief. (Rev. Proc. 2013-34, § 4.03(2)(f).)

Significant Benefit. None of the parties contend, and the evidence does not show, that Ms. Henderson enjoyed the benefits of a lavish lifestyle, such as owning luxury assets and taking expensive vacations, from the underpayment of taxes for the tax years at issue. In addition, the

amount of the underpayment of taxes is small such that neither spouse received a significant benefit. The significant benefit factor is thus neutral. (Rev. Proc. 2013-34, § 4.03(2)(e).)

Mental or Physical Health. The mental or physical health factor is neutral because Ms. Henderson does not contend, and the evidence does not show, that she suffered from any mental or physical health problem at the time the couple's 2005, 2006, or 2007 return was filed or when she made her request for relief. (Rev. Proc. 2013-34, § 4.03(2)(g).)

In summary, none of the factors weigh in favor of granting relief. The knowledge factor and the compliance with income tax laws weigh against granting relief. The other five enumerated factors are neutral. In evaluating whether equitable relief is warranted, we are cognizant that the case law and Revenue Procedure 2013-34 provide that the availability of relief does not depend on a simple counting of the factors for and against relief. Instead, the determination of whether it would be inequitable to hold the requesting spouse liable for the understatement is based on all the facts and circumstances. (Rev. Proc. 2013-34, §§ 3.05, 4.03(2); see, e.g., *Henson v. Comm'r*, T.C. Memo. 2012-288, p. \*4; *Hudgins v. Comm'r*, T.C. Memo. 2012-260.) Also, Revenue Procedure 2013-34 provides that “[a]ctual knowledge of the item giving rise to the understatement or deficiency will not be weighed more heavily than any other factor.” (Rev. Proc. 2013-34, § 4.03(2)(c)(i)(A).) Considering all the facts and circumstances, particularly the fact that no factor weighs in favor of granting relief, we conclude that it would not be inequitable to hold Ms. Henderson jointly liable for the couple's underpayment of tax for the 2005, 2006, or 2007 tax year.

Issue 2 - Whether Ms. Henderson has established entitlement to relief from nonpayment of the 2005, 2006, or 2007 joint tax liability.

R&TC section 19006(c) provides that FTB may revise an unpaid tax liability as to one spouse for the payment of taxes that were reported due on a joint tax return, i.e., a self-assessed tax liability. However, the liability shall not be revised to relieve a spouse of the tax liability on income earned by or subject to the exclusive management and control of that spouse. (R&TC, § 19006(c)(1)(A).) In addition, the liability shall not be revised to relieve a spouse of the liability below the amount actually paid on the liability prior to granting of relief. (R&TC, § 19006(c)(1)(B).) The liability may be revised only if the spouse whose liability is to be revised establishes lack of knowledge or reason to know of the nonpayment at the time the return was

filed. (R&TC, § 19006(c)(2).) “Reason to know” means whether or not a reasonably prudent person would have reason to know of the nonpayment. (*Ibid.*)

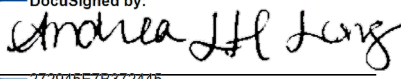
As reflected on the January 26, 2016 NOAs, FTB made no determination as to whether the couple’s 2005, 2006, or 2007 joint tax liability may be revised pursuant to R&TC section 19006(c). On appeal, however, FTB contends that Ms. Henderson is not entitled to relief pursuant to that section. With regard to relief from the nonpayment of the couple’s self-assessed tax liability for 2005, 2006, or 2007 under R&TC section 19006(c), Ms. Henderson has the burden of proving the following: 1) the couple’s 2005, 2006, or 2007 tax liability did not arise from income earned by Ms. Henderson or from income subject to her exclusive management and control; and 2) Ms. Henderson did not know of or have reason to know of the nonpayment of the 2005, 2006, or 2007 tax liabilities when the couple’s 2005, 2006, and 2007 returns were untimely filed on August 18, 2014, August 15, 2014, and August 15, 2014, respectively. For the reasons discussed above, Ms. Henderson has not met her burden of proving that she satisfies these two requirements.

HOLDINGS

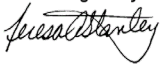
1. Ms. Henderson is not entitled to innocent spouse relief for 2005, 2006, or 2007 pursuant to R&TC section 18533(f).
2. Ms. Henderson is not entitled to relief from nonpayment of the 2005, 2006, or 2007 tax liability pursuant to R&TC section 19006(c).


DISPOSITION

FTB’s action is sustained.

DocuSigned by:  
  
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 Andrea L.H. Long  
 Administrative Law Judge

We concur:

DocuSigned by:  
  
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 Teresa A. Stanley  
 Administrative Law Judge

DocuSigned by:  
  
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 Tommy Leung  
 Administrative Law Judge

Date Issued: 2/13/2020