

BEFORE THE STATE BOARD OF EQUALIZATION
OF THE STATE OF CALIFORNIA

In the Matter of the Appeal of)
WILLIAM STEINSMITH)

For Appellant: William Steinsmith, in pro. per.

For Respondent: John A. Stilwell, Jr.
Counsel

O P I N I O N

This appeal is made pursuant to section 19057, subdivision (a), of the Revenue and Taxation Code from the **action** of the Franchise Tax Board in denying the claims of William Steinsmith for refund of personal income tax in the amount of over \$1.00 for each of the **years** 1975 and 1976.

Appeal of William Steinsmith

Appellant, a medical doctor, did not file California personal income tax returns for 1975 and 1976 and did not reply to respondent's demand that he file. Based upon available information, respondent issued notices of proposed assessment for both years, including 25 percent penalties for failure to file a timely return and failure to file a return after notice and demand. Appellant did not contest the proposed assessments and they became final. Respondent garnisheed appellant's salary in the amounts due for 1975 and 1976. Thereafter, appellant filed claims for refund which were denied. This appeal followed.

Appellant objects to the denial of his claims for refund on the grounds that he has not received any lawful money since 1968, when paper currency became unredeemable in gold or silver. This is the same argument that was rejected in appellant's prior appearance before this board. (See Appeal of William Steinsmith, Cal. St. Bd. of Equal., May 21, 1980.) Once again we reject appellant's argument.

Respondent's determinations of additional tax and penalties are presumptively correct, and appellant has the burden of proving them erroneous. (Appeal of K. L. Durham, Cal. St. Bd. of Equal., March 4, 1980; Appeal of Harold G. Jindrich, Cal. St. Bd. of Equal., April 6, 1977.) No such proof has been presented. Appellant's attack on the validity of Federal Reserve notes has been rejected as frivolous in prior appeals (see Appeal of Iris E. Clark, Cal. St. Bd. of Equal., March 8, 1976, Appeal of Donald H. Lichtle, Cal. St. Bd. of Equal., Oct. 6, 1976; Appeal of Armen B. Condo, Cal. St. Bd. of Equal., July 26, 1977), and is obviously insufficient to overturn respondent's determination. On the basis of these decisions and since appellant has failed to establish any error in the underlying deficiency assessments and penalties, respondent's action in denying the claims for refund must be sustained.

Appeal of William Steinsmith

O R D E R

Pursuant to the views expressed in the opinion of the board on file in this proceeding, and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, pursuant to section 19060 of the Revenue and Taxation Code, that the action of the Franchise Tax Board in denying the claims of William Steinsmith for refund of personal income tax in the amount of over \$1.00 for each of the years 1975 and 1976, be and the same is hereby sustained.

Done at Sacramento, California, this 19th day of **May**, **1981, by the State** Board of Equalization, with all **Board** members present.

Ernest J. Dronenburg, Jr., Chairman

George R. Reilly, Member

William M. Bennett, Member

Richard Nevins, Member

Kenneth Cory, Member