

BEFORE THE STATE BOARD OF EQUALIZATION
OF THE STATE OF CALIFORNIA

In the Matter of the Appeal of)
PETE AND MARGERY H. IVY)

For Appellants: Margery H. Ivy, in pro. per.

For Respondent: Bruce W. Walker
Chief Counsel

James C. Stewart
Counsel

O P I N I O N

This appeal is made pursuant to section 19059 of the Revenue and Taxation Code from the action of the Franchise Tax Board in denying the claim of Pete and Margery H. Ivy for refund of personal income tax in the amount of **\$1,794.08** for the year 1975.

Appeal of Pete and Margery H. Ivy

Appellants filed a joint California personal income tax return for 1975 showing their occupations as "Patriots" and their income as "no dollars." Wage and tax statements were attached to the return showing wages of \$29,248. Respondent issued a proposed assessment on the basis of the information attached to appellants' return. Eventually, appellants paid the tax, penalties, and interest determined by respondent to be due for the year in question.

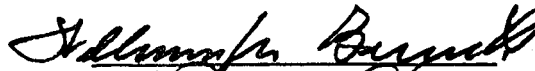
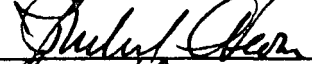


Thereafter, appellants filed a claim for refund contending that they had received no taxable income during 1975 because Federal Reserve notes do not constitute "taxable income." Similar claims have been considered and rejected as frivolous in prior opinions of this board. (Appeal of Armen B. Condo, Cal. St. Bd. of Equal., July 26, 1977; Appeal of Donald H. Lichtle, Cal. St. Bd. of Equal., Oct. 6, 1976; Appeal of Iris E. Clark, Cal. St. Bd. of Equal., Mar. 8, 1976.) Consistent with these decisions, we reject appellants' arguments as utterly without merit. Accordingly, we conclude that respondent's action in this matter must be sustained.'

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 claim of Pete and Margery H. Ivy for refund of personal income tax in the amount of **\$1,794.08** for the year 1975, be and the same is hereby sustained.

Done at Sacramento, California, this 10th day of **April**, 1979, by the State Board of Equalization.


_____, Chairman

_____, Member

_____, Member

_____, Member
_____, Member