

3. On July 6, 2020, FTB issued appellants a refund of \$47,774.
4. On July 2, 2021, appellants made a payment of \$2,542, which FTB held in suspense.
5. In 2021, appellants' federal income tax was adjusted by the IRS and FTB issued appellants a Notice of Proposed Assessment (NPA) proposing to assess interest corresponding to FTB's adjustment based on a final federal determination.
6. Appellants protested the NPA and, on July 9, 2023, appellants made a payment of \$5,130.26 which FTB held in suspense.
7. On August 10, 2023, FTB issued a Notice of Action (NOA) affirming the NPA and showing interest totaling \$708.75.
8. This timely appeal followed.
9. On appeal, OTA requested that FTB provide a copy of its interest computation on appellants' 2019 tax year account. In response, FTB confirmed that it had received appellants' payments on July 2, 2021, and July 9, 2023, and stated that the payments would be applied to appellants' 2019 tax year effective on the dates that FTB received them. FTB provided an updated interest computation reflecting application of the payments. The updated interest computation showed interest totaling \$524.24, a reduction of \$184.51. Appellants were provided with 30 days to respond after receipt of the updated interest computation. When no response was received from appellants, briefing was closed in this appeal.

DISCUSSION

Appellants request that the amount of interest shown on the NOA be reduced by \$260 to reflect appellants' payments of \$2,542 and \$5,130.26, which were made on July 2, 2021, and July 9, 2023, respectively. FTB acknowledges receipt of appellants' payments, and states that, upon finalization of this appeal, the payments, which are currently held in suspense, will be applied to appellants' account effective the date the payments were received, and the amount of any overpayment will be refunded to appellants. Following FTB's statements, appellants were provided with the opportunity to respond and did not do so. Accordingly, there is no dispute that appellants' payments of \$2,542 and \$5,130.26 were received by FTB and will be applied to appellants' 2019 tax year effective July 2, 2021, and July 9, 2023, respectively. Application of these payments to appellant's 2019 tax year results in a \$184.51 reduction of interest from the

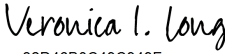
amount shown on the NOA. However, appellants have not asserted, nor does the evidence support, that appellants are entitled to any further abatement of interest.²

HOLDING


Appellants have not established a basis to further abate interest for the 2019 tax year.

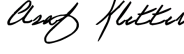
DISPOSITION

FTB’s action, as modified to refund interest of \$184.51, is sustained.

Signed by:

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Veronica I. Long
Administrative Law Judge

We concur:

DocuSigned by:

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Sara A. Hosey
Administrative Law Judge

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Asaf Kletter
Administrative Law Judge

Date Issued: 2/19/2025

² To obtain interest relief, appellants must qualify under one of the waiver provisions of R&TC sections 19104 (pertaining to unreasonable error or delay by respondent in the performance of a ministerial or managerial act), 19112 (pertaining to extreme financial hardship caused by significant disability or other catastrophic circumstance), or 21012 (pertaining to reasonable reliance on the written advice of respondent). (*Appeal of Moy*, 2019-OTA-057P.) OTA has no jurisdiction to determine whether appellants are entitled to the abatement of interest under R&TC section 19112. (*Ibid.*)