

OFFICE OF TAX APPEALS
STATE OF CALIFORNIA

In the Matter of the Appeal of:)	OTA Case No. 240817220
J. SANTILLAN AND)	
G. ESCAMILLA)	
)	
)	

OPINION

Representing the Parties:

For Appellants:	J. Santillan and G. Escamilla
For Respondent:	Ganeet Atwaal, Legal Analyst

E. PARKER, Hearing Officer: Pursuant to Revenue and Taxation Code (R&TC) section 19324, J. Santillan and G. Escamilla (appellants) appeal an action by respondent Franchise Tax Board (FTB) denying appellants’ claim for refund of \$4,329 for the 2019 tax year.

Appellants waived the right to an oral hearing; therefore, the matter was submitted to the Office of Tax Appeals on the written record pursuant to California Code of Regulations, title 18, section 30209(a).

ISSUE

Whether appellants’ claim for refund is barred by the statute of limitations.

FACTUAL FINDINGS

1. Appellants timely filed a joint California Resident Income Tax Return for the 2019 tax year on March 18, 2020. Appellants reported zero tax, income tax withholding credits of \$636, and claimed a refund of \$636. FTB accepted the return as filed and issued appellants a refund of \$636.
2. On February 21, 2024, FTB sent a letter informing appellant J. Santillan that FTB received additional nonwage withholding credits for the 2019 tax year that appellants did not claim on their 2019 return. FTB informed appellant J. Santillan of the statute of limitations and advised him that FTB may not be able to allow a refund or credit if he did not respond in a timely manner.

3. On May 23, 2024, appellants filed an amended 2019 return to include additional nonwage withholding credits of \$4,329.
4. FTB treated the amended return as a claim for refund of \$4,329 and denied the claim due to the expiration of the statute of limitations.
5. Appellants filed this timely appeal.

DISCUSSION

R&TC section 19306(a) provides that no credit or refund shall be allowed unless a claim for refund is filed within the later of: (1) four years from the date the return was filed, if the return was timely filed pursuant to an extension of time to file; (2) four years from the last date prescribed for filing a return for the year at issue (determined without regard to any extension of time to file); or (3) one year from the date of overpayment. Tax returns for calendar year taxpayers are due on or before April 15th following the close of the calendar year. (R&TC, § 18566.) For purposes of R&TC section 19306, tax deducted and withheld during the tax year is deemed paid on the return due date (without regard to any extension of time for filing the return). (R&TC, § 19002(c)(1).) Taxpayers have the burden of proof in showing entitlement to a refund and that the claim is timely. (*Appeal of Benemi Partners, L.P.*, 2020-OTA-144P.)

As applicable here, the four-year statute of limitations period concerning the due date of the return expired on April 15, 2024, four years after the original return due date of April 15, 2020. The one-year statute of limitations period expired on April 15, 2021, one year after the nonwage withholdings were deemed paid. As such, April 15, 2024, is the later of the four-year or one-year statutes of limitation. Since appellants filed their claim for refund on May 23, 2024, the claim for refund is barred by the statute of limitations.

Appellants do not dispute the claim for refund was filed outside of the statute of limitations period. Appellants assert that they timely filed their original tax return and also filed their amended return soon after they were advised of the additional nonwage withholdings. Appellants also claim that they have a history of timely filing returns. However, appellants provide no legal arguments or documentation to show they are entitled to a refund and that the claim is timely.

The language of the statute of limitations is explicit and must be strictly construed. (*Appeal of Benemi Partners, L.P.*, *supra.*) The law does not provide an equitable or reasonable cause exception to the statute of limitations. (*Ibid.*) Except in very limited situations which are

not shown here,¹ taxpayers' untimely filing of a claim for refund for any reason bars a refund. (*Ibid.*) Therefore, appellants' claim for refund for the 2019 tax year is barred by the statute of limitations.

HOLDING

Appellants' claim for refund is barred by the statute of limitations.

DISPOSITION

FTB's action denying appellants' claim for refund is sustained.

DocuSigned by:
Erica Parker
6651E0AAC34B4F6...
Erica Parker
Hearing Officer

We concur:
DocuSigned by:
Asaf Kletter
D17AEDDCAAB045B...
Asaf Kletter
Administrative Law Judge

Signed by:
Kim Wilson
4E8E740EDB984CD...
Kim Wilson
Hearing Officer

Date Issued: 7/24/2025

¹ For example, R&TC section 19316 suspends the running of the statute of limitations during any period where the taxpayer is unable to manage his or her financial affairs by reason of a medically determinable physical or mental impairment that is either deemed to be a terminal impairment or is expected to last for a continuous period of not less than 12 months.