

**OFFICE OF TAX APPEALS
STATE OF CALIFORNIA**

In the Matter of the Appeal of:)
M. MACIEL AND) OTA Case No. 240917345
D. BERRYMAN)
_____)

OPINION

Representing the Parties:

For Appellants: M. Maciel

For Respondent: Rosemary Villasenor, Senior Legal Analyst

For Office of Tax Appeals: Kaavya Ramesh, Graduate Student Assistant

S. HOSEY, Administrative Law Judge: Pursuant to Revenue and Taxation Code (R&TC) section 19324, M. Maciel and D. Berryman (appellants) appeal an action by the Franchise Tax Board (respondent) denying appellants' claim for refund of \$7,925 for the 2019 tax year.

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

ISSUE

Whether appellants' claim for a refund for the 2019 tax year is barred by the statute of limitations.

FACTUAL FINDINGS

1. Appellants timely filed their 2019 California Income Tax Return (original return) on April 23, 2020,¹ claiming an overpayment of \$2,483, which respondent refunded.
2. In February 2024, respondent issued Unclaimed Nonwage Withholding Credits Notices to appellants, informing them that they had unclaimed withholding credits for the 2019

¹ FTB allows an automatic six-month extension to individuals to file a return if the return is filed within six months of the original due date. (R&TC, § 18567(a)(1); Cal. Code Regs., tit. 18, § 18567(a).)

tax year totaling \$7,950, and to file an amended tax return to claim the withholding credit. Additionally, respondent advised appellants of the statute of limitations to claim the refund.

3. On May 15, 2024, respondent received appellants' amended 2019 California Resident Income Tax Return (amended return), claiming a refund of \$10,408. Respondent processed the amended return as a claim for refund of \$7,925.²
4. Respondent denied appellants' claim for refund on the basis that the claim was barred by the statute of limitations.
5. This timely appeal followed.

DISCUSSION

The statute of limitations to file a claim for a refund is set forth in R&TC section 19306. 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 within the automatic extension period; (2) four years from the due date prescribed for filing the return (determined without regard to any extension of time for filing the return); or (3) one year from the date of the overpayment. California allows taxpayers an automatic six-month extension to file their tax returns. (See Cal. Code Regs., tit. 18, § 18567(a).) However, for purposes of the four-year statute of limitations, the extension only applies if the taxpayer's state tax return was actually filed within the extension period. (*Ibid.*)

A taxpayer has the burden of proving that a claim for refund is timely and that he or she is entitled to a refund. (*Appeal of Estate of Gillespie*, 2018-OTA-052P.) The language of the statute of limitations is explicit and must be strictly construed. (*Appeal of Benemi Partners, L.P.*, 2020-OTA-144P.) Absent an exception,³ a taxpayer's untimely filing of a claim for any reason bars a refund even if the tax is alleged to have been erroneously, illegally, or wrongfully collected. (*Ibid.*) While such fixed deadlines may appear harsh, the occasional harshness is redeemed by the clarity imparted. (*Ibid.*) OTA has no authority to grant relief except where the law specifically allows. (*Appeal of Estate of Gillespie, supra*; *Appeal of Benemi Partners, L.P., supra.*)

² This amount consists of appellants' amended claim for refund of \$10,408, minus the \$2,483 refund appellants claimed and received on their original tax return.

³ There is a narrow exception where the statute of limitations provision may be suspended, but appellants have not raised it on appeal, and the facts do not support its application here. (See R&TC, § 19316 [financial disability].)

Appellants' 2019 tax return was timely filed on April 23, 2020, which is within the automatic six-month extension period. Therefore, the first four-year statute of limitations period is applicable. The four-year statutory period for appellants' 2019 refund claim expired on April 23, 2024, which is four years from the date appellants timely filed the return. (R&TC, § 18566.) Appellants' amended 2019 tax return, which was filed on May 15, 2024, is treated as a claim for refund. Lastly, the one-year statute of limitations period expired one year from the date of overpayment. Appellants' withholding credit on their 2019 tax return is deemed paid on the original return filing due date, and appellants had until April 15, 2021, to file a claim for refund. (R&TC, § 19002(c)(1).) Thus, appellants' claim for refund is beyond the one-year and four-year statute of limitations periods described in R&TC section 19306(a).

Appellants contend that respondent was untimely in informing them of the unclaimed credits and as a result, they were not given a timely opportunity to respond with their request for refund. However, respondent has no duty to discover overpayments made by a taxpayer (*Appeal of Cervantes* (74-SBE-029) 1974 WL 2844) or inform a taxpayer of the time within which a claim for refund must be filed to avoid the expiration of the statute of limitations (*Appeal of Matthiessen* (85-SBE-077) 1985 WL 15856).

Appellants also argue that the original filing due date for the 2019 tax year was extended to July 15, 2020, due to COVID-19, and they filed their amended return within the statute of limitations under the COVID-19 extension. While the filing deadline for the 2019 tax year was extended due to COVID-19, the statutory due date for filing a return remained the same. (See *Appeal of Nguyen*, 2025-OTA-333P.) The general statute of limitations for refunds for the 2019 tax year (the four-year statute of limitations) remained April 15, 2024.

Therefore, appellants' claim is time barred by the statute of limitations.

HOLDING

Appellants' claim for refund for the 2019 tax year is barred by the statute of limitations.

DISPOSITION

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

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Sara A. Hosey
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Sara A. Hosey
Administrative Law Judge

We concur:

DocuSigned by:
Steven Kim
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Steven Kim
Administrative Law Judge

Signed by:
Natasha Ralston
25F8FE08FF56478...
Natasha Ralston
Administrative Law Judge

Date Issued: 10/27/2025