OFFICE OF TAX APPEALS

STATE OF CALIFORNIA

In the Matter of the Appeal of:

J. MASON

OTA Case No. 250923096

OPINION

Representing the Parties:

For Appellant: J. Mason

For Respondent: Rosemary Villasenor, Associate Governmental Program Analyst

For Office of Tax Appeals: Tom Hudson, Attorney

G. TURNER, Administrative Law Judge: Pursuant to Revenue and Taxation Code (R&TC) section 19324, J. Mason (appellant) appeals an action by respondent Franchise Tax Board (FTB) denying appellant's claim for refund of $3,638 for the 2020 tax year.

Appellant waived the right to an oral hearing, so this 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 appellant's claim for refund for 2020 is barred by the statute of limitations.

FACTUAL FINDINGS

1. Appellant filed her California income tax return for the 2020 tax year on June 5, 2025, reporting an overpayment of $3,638.
2. Appellant's overpayment of tax arose solely from withholdings in the amount of $8,566 as reflected on her return.
3. FTB accepted the return as filed and treated it as a claim for refund. On June 23, 2025, FTB issued a letter notifying appellant that no refund or credit would be allowed because her claim for refund was barred by the statute of limitations.
4. This timely appeal followed.

DISCUSSION

The statute of limitations to file a claim for refund is set forth in R&TC section 19306. No credit or refund may 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 due date 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. (R&TC, § 19306(a).) The language of the statute of limitations is explicit and is strictly construed. (*Appeal of Benemi Partners, L.P.*, 2020-OTA-144P.) The taxpayer has the burden of proof in showing entitlement to a refund and showing that the claim is timely. (*Appeal of Estate of Gillespie*, 2018-OTA-052P.)

Appellant filed her 2020 tax return after the extended due date of October 15, 2021, so the first four-year statute of limitations period does not apply. (R&TC, §§ 18567, 19306(a); Cal. Code Regs., tit. 18, § 18567.) Under the second limitations period, appellant's return was due four years from the original due date of the return. Appellant filed her return after April 15, 2025, more than four years after the original due date for her return which was April 15, 2021. (R&TC, §§ 18566; 19306(a).) As for the one-year statute of limitations running from the payment date, appellant's withholding credits are deemed paid on the original due date for the return of April 15, 2021. (R&TC, § 19002(c)(1).) Because appellant filed her return more than one year after that deemed payment date, the claim is also barred under the one-year statute of limitations.

In her appeal letter, appellant explained that she "was under the incorrect impression that if [she] was owed a refund, [she] had up to (5) years to file [her] return . . . ." It is understandable that appellant might have been unaware of the actual deadline for filing her claim for refund, but OTA has no legal authority to waive the statute of limitations for reasonable cause, a mistake as to the law, or other extenuating circumstances not at issue here.[1] (*Appeal of Benemi Partners, L.P.*, *supra*; A*ppeal of Estate of Gillespie*, *supra*.) Because appellant's claim for refund was filed after the applicable statute of limitations period and there is no exception to the statute based on a mistake of law, the claim is untimely and it must be denied.

[1] See R&TC section 19316(b)(1), which 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.

HOLDINGS

Appellant's claim for refund for 2020 is barred by the statute of limitations.

DISPOSITION

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

Signed by:
Greg Turner
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Greg Turner
Administrative Law Judge

We concur:

Signed by:
L. Katrine Shelton
0A4B16EC081643E...

L. Katrine Shelton
Administrative Law Judge

Signed by:
Seth Elsom
C04CD432E3254FD...

Seth Elsom
Hearing Officer

Date Issued: 5/6/2026