2026-OTA-374
Nonprecedential

OFFICE OF TAX APPEALS

STATE OF CALIFORNIA

In the Matter of the Appeal of:) OTA Case No. 250923265

K. REZAI

OPINION

Representing the Parties:

For Appellant: K. Rezai

For Respondent: Rosemary Villasenor, Associate Governmental Program Analyst

S. ELSOM, Hearing Officer: Pursuant to Revenue and Taxation Code (R&TC) section 19324, K. Rezai (appellant) appeals an action by respondent Franchise Tax Board (FTB) denying appellant's claim for refund of $2,905 for the 2020 tax year.

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

FACTUAL FINDINGS

1. On June 2, 2025, appellant untimely filed a California income tax return for the 2020 tax year. Appellant's tax return claimed a refund of $2,905, comprised of her income tax withholdings in excess of her tax liability.
2. FTB accepted and processed appellant's tax return as filed. However, FTB denied appellant's claim for refund because she filed it after the statute of limitations expired.
3. FTB issued a claim denial notice to appellant.
4. Thereafter, appellant timely filed this appeal.

DISCUSSION

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 (determined without regard to any extension of time to file); or (3) one year from the date of overpayment. (R&TC, § 19306(a).) The taxpayer has the burden of proving entitlement to a refund and that the claim is timely. (*Appeal of Estate of Gillespie*, 2018-OTA-052P.)

Here, appellant failed to timely file her 2020 California income tax return, which was due on April 15, 2021. (R&TC, § 18566.) Under the four-year limitation period from the due date for filing the return, appellant therefore had until April 15, 2025, to file a refund claim. In addition, appellant's overpayment for the 2020 tax year was the result of excess tax withholdings, which are deemed paid on the due date of the return, or April 15, 2021. (R&TC, § 19002(c).) Accordingly, the one-year limitation period expired on April 15, 2022. Appellant's refund claim was not filed within either the applicable four-year or one-year limitation period and is therefore untimely. Thus, appellant's claim for refund is barred by the statute of limitations.

On appeal, appellant asserts that she uploaded a document explaining in detail her Request for Appeal, but appellant did not provide this document to OTA. Appellant did not respond to FTB's brief, which noted that appellant did not provide any arguments on appeal, or to any appeal-related correspondence sent by OTA. Other than a narrow exception not applicable here,[1] a taxpayer's failure to file a claim for refund within the statutory period bars a refund even if the tax is alleged to have been erroneously, illegally, or wrongfully collected. (*Ibid*.) This is true even if the tax was not owed in the first place. (*Ibid.*) Although the result of fixed deadlines may appear harsh, the occasional unfairness is necessary to allow for a more workable tax system and is redeemed by the clarity imparted. (*Ibid*.)

[1] R&TC section 19316 provides a narrow exception for suspending the statute of limitations when an individual taxpayer is "financially disabled." A financially disabled taxpayer is unable to manage their personal financial affairs by reason of a medically determinable physical or mental impairment that is either deemed to be a terminal impairment or expected to last for a continuous period of not less than 12 months. (R&TC, § 19316(b)(1).)

HOLDING

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

DISPOSITION

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

Signed by:
Seth Elsom
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Seth Elsom
Hearing Officer

We concur:

Signed by:
Kim Wilson
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Kim Wilson
Hearing Officer

DocuSigned by:
Sara A. Hosey
6D3FE4A0CA514E7...

Sara A. Hosey
Administrative Law Judge

Date Issued: 4/16/2026