2026-OTA-349
Nonprecedential

OFFICE OF TAX APPEALS

STATE OF CALIFORNIA

In the Matter of the Appeal of: **T. HUI AND** **D. JIANG**	OTA Case No. 250622504

OPINION

Representing the Parties:

For Appellants:	T. Hui and D. Jiang
For Respondent:	Nathan Hornbuckle, Graduate Student Assistant
For Office of Tax Appeals:	Namrita Randhawa, Program Specialist

S. ELSOM, Hearing Officer: Pursuant to Revenue and Taxation Code (R&TC) section 19324, T. Hui and D. Jiang (appellants) appeal an action by respondent Franchise Tax Board (FTB) denying appellants' claim for refund of $2,409 for the 2020 tax year.[1]

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 refund for the 2020 tax year is barred by the statute of limitations.

[1] FTB's notice denying appellants' claim for refund misspells appellant D. Jiang's name as D. Jianga.

FACTUAL FINDINGS

1. Appellants did not timely file a 2020 tax return.
2. On April 4, 2023, FTB sent appellant T. Hui a Request for Tax Return (Request) stating that FTB received information from a third party, indicating that T. Hui may have earned income that required them to file a California tax return. The Request required T. Hui to either file a 2020 tax return, provide evidence that they already had filed a return, or explain why they did not have a filing requirement.
3. When T. Hui did not respond, FTB issued a Notice of Proposed Assessment (NPA), which estimated T. Hui's income and proposed an assessment of tax, a late filing penalty, and interest. When T. Hui did not respond to the NPA, the proposed assessment became due and payable.
4. On May 6, 2025, appellants filed their 2020 California Resident Income Tax Return, reporting total tax of $11,918, income tax withholdings of $14,327, and an overpayment of $2,409, which appellants requested to be refunded.
5. FTB accepted the return as filed. FTB treated the return as a claim for refund and denied the refund, stating that the claim was filed outside the statute of limitations.
6. This timely appeal followed.

DISCUSSION

R&TC section 19306 imposes a statute of limitations to file a claim for refund. 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 extended filing period pursuant to an extension of time to file; (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. A withholding credit is deemed paid on the original due date of the return. (R&TC, § 19002(c)(1).) The taxpayer has the burden of proving entitlement to a refund and that the claim for refund is timely. (*Appeal of Jacqueline Mairghread Patterson Trust*, 2021-OTA-187P.)

Because appellants did not file a timely tax return, the first four-year statute of limitations period is inapplicable. The second four-year statute of limitations period expired on April 15, 2025, or four years from April 15, 2021, the original due date of the return. (R&TC, § 18566.) Since withholding credits are deemed to be paid on the original due date of the return, the one-year statute of limitations expired on April 15, 2022. (R&TC, § 19002(c)(1).)

Appellants' return was not filed until May 6, 2025, which is after both the four-year and one-year statute of limitations period expired. Thus, appellant's claim for refund is untimely.

Appellants assert that the due date for the 2020 tax return was postponed from April 15, 2021, to May 17, 2021, due to COVID-19, and as such, argue that the filing deadline is May 17, 2025, four years from the postponed date. Appellants contend that because they mailed the tax return on May 2, 2025, within the four years of the postponed due date, the claim was timely filed.

Appellants correctly point out that FTB postponed the original due date of 2020 California income tax returns to May 17, 2021, because of the COVID-19 pandemic. (*Appeal of Bannon*, 2023-OTA-096P.) However, Treasury Regulation section 301.7508A-1(b)(4) provides in relevant part that "[t]o the extent that other statutes may rely on the date a return is due to be filed, the postponement period will not change the due date of the return." Thus, FTB's postponement of the filing due date to May 17, 2021, did not change the original due date of April 15, 2021, upon which the four-year statute of limitations for refund claims is based. (*Appeal of Nguyen*, 2025-OTA-333P.)

The language of R&TC section 19306 is explicit and must be strictly construed, without exception. (*Appeal of Benemi Partners*, L.P., 2020-OTA-144P.) 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.*) This is true even when it is later shown that the tax was not owed in the first place. (*Ibid.*) While fixed deadlines may appear harsh because they can be missed, the resulting occasional harshness is redeemed by the clarity imparted. (*Ibid.*) A taxpayer's failure to file a claim for refund within the statutory period prevents the taxpayer from doing so at a later date. (*Appeal of Estate of Gillespie*, 2018-OTA-052P.)

HOLDING

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

DISPOSITION

OTA sustains FTB's action denying appellants' claim for refund.

Signed by:
Seth Elsom
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Seth Elsom
Hearing Officer

We concur:

Signed by:
Suzanne B. Brown
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Suzanne B. Brown
Administrative Law Judge

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Sara A. Hosey
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Sara A. Hosey
Administrative Law Judge

Date Issued: 5/7/2026