

OFFICE OF TAX APPEALS
STATE OF CALIFORNIA

In the Matter of the Appeal of:	)	OTA Case No. 240917346
K. BERNHOFT AND	)	
Y. BERNHOFT	)	
	)	
	)	
	)	

OPINION

Representing the Parties:

For Appellants:	K. Bernhoft
For Respondent:	Jeffrey Gates, Attorney Nathan Hall, Attorney

S. KIM, Administrative Law Judge: Pursuant to Revenue and Taxation Code (R&TC) section 19324, K. Bernhoft and Y. Bernhoft (appellants) appeal an action by the Franchise Tax Board (respondent) denying appellants' claim for refund of \$9,491 for the 2019 tax year.

Office of Tax Appeals (OTA) Panel Members Josh Aldrich, Asaf Kletter, and Steven Kim held an oral hearing for this matter in Cerritos, California on December 10, 2025. At the conclusion of the hearing, the record was closed, and this matter was submitted for an opinion pursuant to California Code of Regulations, title 18, section 30209(b).

ISSUE

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

FACTUAL FINDINGS

1. On April 7, 2020, appellants timely filed a California Resident Income Tax Return reporting total tax of \$8,335 and withholdings of \$9,139, resulting in a claimed overpayment of \$804. Respondent processed the return and issued appellants a refund of \$804.
2. On February 12, 2024, respondent issued each individual appellant an Unclaimed Nonwage Withholding Credits notice informing each individual appellant that they may be entitled to claim estimated nonwage withholding credits of \$4,745.50.

3. On June 10, 2024, appellants filed an amended return increasing their reported withholdings by \$9,491 ($\$4,745.50 \times 2$) and claiming a refund for \$9,491.
4. Respondent denied appellants' claim for refund because it was barred by the statute of limitations.
5. Appellants timely filed this appeal.

DISCUSSION

California law generally requires a taxpayer to file a refund claim by the later of: (1) four years from the date the return is filed, if filed within the extended due date; (2) four years from the due date of the return without regard to any extensions; or (3) one year from the date of overpayment. (R&TC, § 19306(a).) The due date for individual California income tax returns is April 15 following the close of the calendar year. (R&TC, § 18566.) A return filed before the original due date is considered as filed on the due date. (R&TC, §§ 19002(d)(1), 19066(b).) The taxpayer has the burden of proof in showing entitlement to a refund and that the claim is timely. (*Appeal of Estate of Gillespie*, 2018-OTA-052P.)

Here, appellants timely filed their 2019 return on April 7, 2020, before the April 15, 2020 due date. The first and second four-year statute of limitations periods to file a claim for refund expired on April 15, 2024, four years from the original due date of appellants' 2019 return. (R&TC, §§ 19306(a), 18566.) Appellants filed an amended return claiming a refund on June 10, 2024, after the four-year statute of limitations periods had already expired. As such, appellants' claim for refund is barred by the four-year statute of limitations.

Additionally, the alternative one-year statute of limitations period described in R&TC section 19306(a) expired one year from the date of appellants' overpayments. Withholdings are deemed to have been paid on the last day prescribed for filing the return, or April 15, 2020. (R&TC, § 19002(c)(1).) Therefore, appellants' claim for refund is barred by the one-year statute of limitations.

Appellants argue that the due date for filing a 2019 tax return was extended to July 31, 2020, and that the claim for refund should be considered timely because it was filed within four years of the extended due date, or July 31, 2024. Appellants assert that, upon receiving the Unclaimed Nonwage Withholding Credits notices, they called an FTB representative who told them (erroneously) that the statute of limitations period for filing a claim for refund would also be extended to July 31, 2024. Appellants state that their accountant also (erroneously) advised them that the statute of limitations period would be extended to July 31, 2024.

Due to COVID-19, respondent postponed the due date to file and pay taxes for the 2019 tax year to July 15, 2020. (*Appeal of Nguyen*, 2025-OTA-333P; See *Appeal of Bannon*, 2024-OTA-096P.)¹ However, a postponement period does not change the due date of the return for the purpose of timely filing a claim for refund. (*Appeal of Nguyen*, *supra*.) Thus, respondent's postponement of the return filing due date to July 15, 2020, did not change the original due date of April 15, 2020. (*Ibid.*) Furthermore, there is no reasonable cause or equitable basis for suspending the statute of limitations. (*Appeal of Benemi Partners, L.P.*, 2020-OTA-144P.) The statute of limitations for filing a claim for refund must be strictly construed; a taxpayer's untimely filing of a claim for any reason bars a refund.² (*Ibid.*) As a result, appellants' claim for refund cannot be allowed even if appellants received erroneous advice. Although the result of fixed deadlines may appear harsh, the occasional harshness is redeemed by the clarity imparted. (*Ibid.*)

¹ See <https://www.ftb.ca.gov/about-ftb/newsroom/news-releases/2020-3-state-postpones-tax-deadlines-until-july-15-due-to-the-covid-19-pandemic.html>. See also R&TC, § 18752(b); Internal Revenue Code, § 7508A.

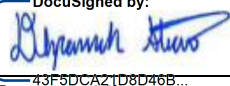
² Though not applicable here, the time for filing a claim a claim for refund may be extended in certain circumstances where a taxpayer is financially disabled due to a medically determinable physical or mental impairment. (R&TC, § 19136; *Appeal of Estate of Gillespie*, *supra*.)

HOLDING

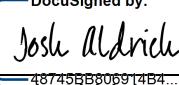
Appellants' claim for refund is barred by the statute of limitations.

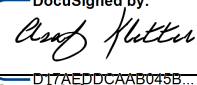
DISPOSITION

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

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For
Steven Kim
Administrative Law Judge

We concur:

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Josh Aldrich
Administrative Law Judge

DocuSigned by:

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Asaf Kletter
Administrative Law Judge

Date Issued: 2/17/2026