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OFFICE OF TAX APPEALS

STATE OF CALIFORNIA

In the Matter of the Appeal of: **A. CHANG**	OTA Case No. 241218177

OPINION

Representing the Parties:

For Appellant: A. Chang

For Respondent: Arathi Ramalingam, Attorney

H. LE, Administrative Law Judge: Pursuant to Revenue and Taxation Code (R&TC) section 19324, A. Chang (appellant) appeals an action by the Franchise Tax Board (respondent) denying appellant's claim for refund of $25,525 for the 2019 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 2019 tax year is barred by the statute of limitations.

FACTUAL FINDINGS

1. On February 15, 2020, respondent received from appellant a 2019 tax return that it processed.
2. Respondent sent appellant an Unclaimed Nonwage Withholding Credits letter explaining that appellant may be entitled to nonwage withholding credits in the estimated amount of $25,308 for the 2019 tax year. The letter stated that appellant needed to file an amended return before the statute of limitations expired to obtain a refund.
3. On April 8, 2024, appellant sent back to respondent a copy of the Unclaimed Nonwage Withholding Credits letter and a California Schedule X (California Explanation of

Amended Return Changes) for the 2019 tax year in which appellant requested a refund of $25,308. Appellant did not sign either document.

4. Later, respondent sent appellant a letter stating it had no record of an amended 2019 California income tax return, and stating appellant must file an amended 2019 tax return to claim a refund or credit for the withheld amount.
5. On November 4, 2024, appellant sent respondent an amended 2019 California tax return with appellant's signature.
6. Respondent denied appellant's refund because the statute of limitations expired.
7. This timely appeal followed.

DISCUSSION

The statute of limitations provides, in relevant part, that 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 under an extension; (2) four years from the date the return was due, determined without regard to any extension of time to file; or (3) one year from the date of overpayment. (R&TC, § 19306(a).) Tax returns for calendar year taxpayers are due on or before April 15th following the close of the calendar year. (R&TC, § 18566.) A return filed before the due date for that return is considered filed on the due date. (R&TC, §§ 19002(d)(1), 19066(b).)

Under R&TC section 19322, a refund claim must: (1) be in writing; (2) be signed by each taxpayer or the taxpayer's authorized representative; and (3) state the specific grounds on which the claim is founded.

Taxpayers have the burden of proof in showing entitlement to a refund and that the claim is timely. (*Appeal of Carr*, 2022-OTA-157P.) Except as otherwise provided by law, the burden of proof requires proof by a preponderance of the evidence. (Cal. Code Regs., tit. 18, § 30219(b).) A preponderance of evidence means the taxpayers must establish by documentation or other evidence the circumstances they assert are more likely than not to be correct. (*Appeal of Carr*, *supra*.)

The first four-year statute of limitations period for filing a claim for refund is not applicable to appellant, as appellant did not file a return within the extended filing period. As to the second four-year statute of limitations period, appellant timely filed her return for the 2019 tax year on February 15, 2020, before the original due date of April 15, 2020.[1] As such, the

[1] Due to the COVID-19 pandemic, respondent postponed the filing due date for 2019 tax returns from April 15, 2020, to July 15, 2020. (*Appeal of Nguyen*, 2025-OTA-333P.) However, a postponement period does not change the due date of the return for the purpose of filing a timely claim for refund. (*Ibid*.)

four-year statute of limitations for filing a refund claim began to run on the return's original due date and expired four years later, on April 15, 2024. (R&TC, § 19306(a).) Appellant's purported refund claim, submitted on a California Schedule X, was received by respondent on April 8, 2024, within the statutory period. However, because the claim lacked the required signature under R&TC section 19322, it was not a valid refund claim. Appellant did not submit a signed amended return until November 4, 2024, which fell outside the statutory refund filing period.

The one-year statute of limitations period runs one year from the date of payment. For purposes of the statute of limitations, withholdings are deemed paid on the due date of the return (without regard to extensions). (R&TC, § 19002(c)(1).) Therefore, appellant's withholdings are deemed paid on April 15, 2020. (R&TC, §§ 19002(c)(1), 18566.) The one-year statute of limitations period expired one year later, on April 15, 2021. Appellant's November 4, 2024 claim for refund is beyond the one-year statute of limitations. Because appellant's claim for refund was filed beyond both the four-year and the one-year statute of limitations periods, OTA finds that appellant did not timely file a claim for refund.

HOLDING

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

DISPOSITION

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

DocuSigned by:
Huy "Mike" Le
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Huy "Mike" Le
Administrative Law Judge

We concur:

DocuSigned by:
Sara A. Hosey
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Sara A. Hosey
Administrative Law Judge

DocuSigned by:
Sheriene Anne Ridenour
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Sheriene Anne Ridenour
Administrative Law Judge

Date Issued: 8/25/2026