

## *What You Should Know About*



# **THE AUDIT RECONSIDERATION PROCESS**

# WHAT YOU SHOULD KNOW ABOUT THE AUDIT RECONSIDERATION PROCESS

## INTRODUCTION

Audit reconsideration is an Internal Revenue Service procedure designed to help you when you disagree with the results of:

- An assessment IRS made because of an audit of your tax return, or
- A return IRS created for you because you did not file a tax return, as authorized by Internal Revenue Code 6020(b).

This publication outlines the audit reconsideration procedures. This process allows the IRS to reconsider a taxpayer's information informally. We resolve many cases at this level.

If you have paid the amount due in full you must file a formal claim (Form 1040X, Amended U.S. Individual Income Tax Return).

## IRS ACCEPTS AN AUDIT RECONSIDERATION REQUEST IF:

- You submit information that we have not considered previously which might change the amount of tax you owe, or credit you believe you are entitled to.
- You filed a return after IRS completed a return for you.
- You believe the IRS made a computational or processing error in assessing your tax.
- The liability is unpaid or credits are denied.

## **IRS WON'T ACCEPT AN AUDIT RECONSIDERATION REQUEST IF:**

**(1)** You previously agreed to pay the amount of tax you owe by signing an agreement such as:

- a Closing Agreement (Form 906) that is final and conclusive.
- a Compromise agreement.
- an agreement on Form 870-AD with the Appeals Office.

**(2)** The amount of tax you owe is a result of final partnership item adjustments under the Tax Equity Fiscal Responsibility Act of 1982 known as TEFRA.

**(3)** The United States Tax Court, or another court, has issued a final determination on your tax liability.

## **GETTING STARTED**

- You must have filed a return and
- You must write to us to inform us which changes you want us to consider.
- You must include documentation that supports your position. It is recommended that you include a copy of your examination report, Form 4549, along with any new documentation that supports your position.
- Please include a daytime and evening telephone number and the best time for us to call you.

## **THE NEXT STEP**

We will send you a letter if we need further information to reconsider your disputed issue(s).

It is in your best interest to provide complete information on each disputed issue. We consider each issue separately based on the new information that you provide. We will change any adjustment if your new information and the tax law support that change.

When we receive your documentation, we may delay our collection activity. However, we may resume collection activity if the documentation is not sufficient to support your position and you do not respond to any request for additional information within 30 calendar days.

If you currently have an installment agreement, you must continue to make payments. You may want to refer to Publication 1546, "Taxpayer Advocate Service of the IRS," if you are experiencing economic hardship as a result of a tax problem.

## **CONCLUSION OF THE AUDIT RECONSIDERATION**

We will notify you once we complete our review to inform you that:

- We accepted your information. If so, we will eliminate the tax assessed.
- We accepted your information in part and we will partially reduce the tax assessed.
- Your information did not support your claim and we are unable to eliminate the tax assessed.

## **IF YOU AGREE WITH IRS, YOU MAY:**

- Pay the amount due in full.
- Set up an Installment Agreement, or
- Submit an Offer-In-Compromise (consult Publication 594).

## **IF YOU DISAGREE, YOU MAY:**

- Request a conference with the Appeals Office by filing a written small case request or a written protest. Please refer to Publication 5, “Your Appeal Rights and How to Prepare a Protest If You Don’t Agree.” The section entitled “Protests” describes the procedures needed to request an appeals conference.
- Pay the amount due in full and file a formal claim (Form 1040X, Amended U.S. Individual Income Tax Return). This claim must be filed within 3 years from the date your return was filed or 2 years from the date the taxes were paid, whichever is later.

***Note: In the event you file the Formal Claim (Form 1040X) and the IRS disallows the claim in full or in part, you may request an Appeals conference again, or you may file a refund suit in federal district court or the United States Court of Federal Claims. You have 2 years from the date of mailing the Claim Disallowance Letter by certified mail to file your refund suit, (or if you wish, you may file your refund suit if you do not hear from us within 6 months from the date you filed your Formal Claim).***

- Do nothing. We will send you a bill for the amount due.

**If you decide to request audit reconsideration, please send your request to the address of the IRS Campus shown on your Examination Report.**

**Andover Campus**

Internal Revenue Service  
P.O. Box 9053  
Andover, MA 01810-0953  
Phone 1-866-897-0177

**Kansas City Campus**

Internal Revenue Service  
P3 Stop 4200  
Kansas City, MO 64108-4302  
Phone 1-866-897-0177

**Atlanta Campus**

Internal Revenue Service  
P.O. Box 48-389 Stop 54A  
Doraville, GA 30362  
Phone 1-866-897-0177

**Fresno Campus**

Internal Revenue Service  
P.O. Box 12067 Stop 84205  
Fresno, CA 93776  
Phone 1-866-897-0177

**Austin Campus**

Internal Revenue Service  
P.O. Box 934 Stop 4103  
Austin, TX 78767  
Phone 1-866-897-0177

**Memphis Campus**

Internal Revenue Service  
P.O. Box 30086 Stop 8236  
Memphis, TN 38130-0086  
Phone 1-866-899-9085

**Brookhaven Campus**

Internal Revenue Service  
P.O. Box 9005 Stop 656  
Holtsville, NY 11742  
Phone 1-877-834-6303

**Ogden Campus**

Internal Revenue Service  
P.O. Box 9036 Stop 4440  
Ogden, UT 84201  
Phone 1-866-899-9083

**Cincinnati Campus**

Internal Revenue Service  
CIRSC  
P.O. Box 308 Stop 8202  
Covington, KY 41012  
Phone 1-800-477-0602

**Philadelphia Campus**

Internal Revenue Service  
P.O. Box 331  
Attn: DP 610 Scuth  
Bensalem, PA 19020  
Phone 1-800-829-1040



Department of the Treasury  
Internal Revenue Service

[www.irs.gov](http://www.irs.gov)

Pub. 3598 (Rev. 7-2007)  
Catalog Number 29542P