



MANUAL TRANSMITTAL

Department of the Treasury
Internal Revenue Service

25.15.18

JANUARY 15, 2020

EFFECTIVE DATE

(01-15-2020)

PURPOSE

- (1) This transmits revised IRM 25.15.18, Relief From Joint and Several Liability, Innocent Spouse Relief Processing Procedures.

MATERIAL CHANGES

- (1) Manual Transmittal - Removed "Background" section due to duplication of information in IRM 25.15.18.1.1.
- (2) IRM 25.15.18.2 - Changed title to "Administrative Overview" and added description of the administrative process.
- (3) IRM 25.15.18.4.2 - Changed procedures for Files due to Submission Processing ramp down.
- (4) IRM 25.15.5.2.1 - Changed title to "Applicable Law" and moved the terms Underpayment, Understatement, Allocation and Attribution to 25.15.18.1.4, Terms, and renamed the table headings and table summary accordingly.
- (5) IRM 25.15.18.5.2.11(6)(b) - Revised procedure for partial relief determinations.
- (6) IRM 25.15.18.5.2.12 - Changed wording to be consistent with change in partial relief determination processing, and restructured the paragraphs for clarity.
- (7) Editorial changes and reference updates were made throughout.

EFFECT ON OTHER DOCUMENTS

IRM 25.15.18 dated March 20, 2019 is superseded.

AUDIENCE

Employees in CCISO processing Form 8857 and employees who need to inquire about innocent spouse claims being processed in CCISO.

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Small Business/Self-Employed Division

25.15.18

Innocent Spouse Relief Processing Procedures

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25.15.18.1
(03-20-2019)
Program Scope and Objectives

- (1) Purpose: IRM 25.15.18 provides procedures to CCISO employees who are responsible for handling determinations of innocent spouse relief when Form 8857, Request for Innocent Spouse Relief, is filed with the Service.
- (2) Audience: Small Business/Self-Employed (SB/SE) Division employees in Cincinnati Centralized Innocent Spouse Operation (CCISO) processing Form 8857 and employees who need to inquire about innocent spouse claims being processed in CCISO.
- (3) Policy Owner: The innocent spouse program is under the jurisdiction of the SB/SE Division Director, Exam - Field and Campus Policy.
- (4) Program Owner: The program owner is SB/SE Campus Exam and Field Support.
- (5) Program Goals: The program goals are to timely and accurately process Forms 8857.

25.15.18.1.1
(03-20-2019)
Background

- (1) IRM 25.15.18 provides guidance for processing Form 8857, Request for Innocent Spouse Relief, submitted by a taxpayer requesting a determination for relief from a tax liability, including any related penalties and interest.
- (2) The innocent spouse program makes determinations on requests for relief provided in the Code of Federal Regulation (CFR) Title 26, Subtitle F - Procedure and Administration, IRC 6015, Relief from Joint and Several Liability on Joint Return, and CFR Title 26, Subtitle A – Income Taxes, IRC 66, Treatment of Community Income. Determination letters are binding on the Service and both individuals that elected to file the joint return. A determination may be modified or revoked if it is established that one or the other individuals did not honestly represent the facts.
- (3) An innocent spouse technician applies the law to the facts provided by the requesting spouse (RS) and the non-requesting spouse (NRS), as well as any other facts the technician is able to establish, to determine whether the RS should be relieved of any or all tax liability owed. See IRM 25.15.3 , Technical Provisions of IRC 6015, or IRM 25.15.5 , Relief from Community Property Laws, for more information.
- (4) CCISO handles all requests, except those involving tax years with open audits conducted by a Revenue Agent or Tax Compliance Officer outside of the Campus environment. Determinations in this situation will be made by the IRS employee responsible for the audit.
- (5) The campus innocent spouse program is an Examination Field Support Operation located at CCISO.
- (6) Innocent spouse determinations may affect Wage and Investment (W&I) Division, Large Business and International (LB&I) Division, and SB/SE Division.

25.15.18.1.2
(03-20-2019)
Authority

- (1) IRC 66(c), Treatment of Community Income relief provisions.

- (2) The Code of Federal Regulations (CFR) at 26 CFR sections 1.66-1 through -5, contains guidance on requests for relief from federal income tax liability resulting from the operation of community property law.
- (3) IRC 6015, Relief from joint and several liability on joint return.
- (4) 26 CFR sections 1.6015-1 through -9, which provide guidance on requests for relief from joint and several liability and related proposed regulations, including 78 FR 49242 (issued on August 13, 2013) and 80 FR 72649-01 (issued November 20, 2015).
- (5) Rev. Proc. 2003-19, administrative appeal rights for the non-requesting spouse.
- (6) Rev. Proc. 2013-34, guidelines for taxpayers seeking equitable relief from income tax liability under section 66(c) or section 6015(f).

25.15.18.1.3
(03-20-2019)
Responsibilities

- (1) The Director, Exam - Field and Campus Policy (formerly known as the Director, Examination AUR/Policy), reports to the Director, Headquarters Examination, and is responsible for the delivery of policy and guidance that impacts the field and campus examination process. See IRM 1.1.16.3.5.1, Exam/AUR Policy, for additional information.
- (2) Campus Exam and Field Support (formerly known as Campus-Exam Processing and Special Program Policy), which is under the Director, Exam - Field and Campus Policy, is the group responsible for providing Servicewide policy guidance on compliance processes that relate to campus examination operations and support Field Exam and Specialty Programs in SB/SE and Large Business & International (LB&I). See IRM 1.1.16.3.5.1.5, Campus-Exam Processing and Special Programs Policy, for additional information.
- (3) CCISO falls under the responsibility of the Director, Examination - Campus, with the Director, Exam - Field and Campus Policy, providing oversight to the innocent spouse processing IRMs.
- (4) Management in CCISO oversees employees processing Forms 8857, including creating and updating the Innocent Spouse Tracking System (ISTS) records, creating and maintaining cases on the Accounts Management System (AMS)/Innocent Spouse Application (ISA) Database, and making account adjustments according to the relief determination.
- (5) The IRS adopted the Taxpayer Bill of Rights (TBOR) in June 2014. Employees are responsible for being familiar with and acting in accordance with taxpayer rights. See IRC 7803(a)(3), Execution of Duties in Accord with Taxpayer Rights. For additional information about the TBOR, see the web page *Taxpayer Bill of Rights FAQs*.

25.15.18.1.4
(03-20-2019)
Terms

- (1) The following is a list of common terms used in this IRM section:

Term	Description
Allocation	a. An allocation is to assign items or portions of an item, to a particular spouse, for the purpose of computing their share of an understatement or underpayment.
Attribution	a. Attribution is establishing or designating a particular spouse as the owner, possessor or party responsible for a specific item giving rise to an understatement or underpayment.
Area Offices	Geographical subdivisions of Field Examination.
Area Office Examiners	Revenue Agents or Tax Compliance Officers working in Field Examination.
Area Office Innocent Spouse Coordinator	The employee in Planning and Special Programs (PSP) assigned the innocent spouse program for the Field Examination Area.
Audit Information Management System (AIMS)	The database used by Field Examination to track cases from inception to completion through various status codes and other data.
Command Code	A code input into IDRS to access or update taxpayer data.
Definer	Typically an alphabetic character added to the end of a Command Code to access or update different aspects of data.
Determinations	With regard to innocent spouse relief, the Service determines whether to allow relief in full, in part, or deny relief, based on the application of the facts to the law under IRC 6015, Relief from joint and several liability on joint return, or under IRC 66(c) for relief from Community Property laws.

Term	Description
First Read	The teams located in CCISO that are responsible for screening relief requests, and building or non-qualifying requests as applicable.
Full Scope	CCISO teams of Financial Technicians (FT) that are responsible for making determinations of relief based on the facts applied to the law of each tax year request.
Lead	A designated team member that acts as an assistant to the team manager.
MFT 31	Master file accounts created to hold separate spousal assessments and mirrored joint accounts.
Mirroring	The process of duplicating a joint account into two MFT 31 accounts, one for each spouse.
PSP Innocent Spouse Coordinator	Employee in Planning and Special Programs (PSP) in each Area assigned the innocent spouse program.
Reason Code	The reason code input into ISTS to reflect the main reason for partial or full disallowance of a request for relief.
Receptacle	Any bin, basket, shelf, or other location properly identified, used by CCISO employees to move cases from one area of the innocent spouse operation to another.
Request for Innocent Spouse Relief, also known as an Innocent Spouse Claim	A Form 8857, Request for Innocent Spouse Relief, or similar statement submitted by the taxpayer under penalty of perjury, requesting relief from a joint or community property liability.

Term	Description
Stage	The stage of a claim in ISTS indicates the status of the request for relief. For instance, Stage 01 indicates the date the request was received by the Service. See IRM 25.15.14, Innocent Spouse Tracking System, for more information.
Technical Services Innocent Spouse Reviewer	Reviewers located in SB/SE Technical Services assigned the innocent spouse program, who are responsible for mandatory review of all innocent spouse cases worked by Area Office examiners.
Technical Unit or Technical Team	CCISO team consisting of Specialists that evaluate the most complex and technical of relief requests that are received, and assist other CCISO teams through a Technical Referral process.
Technician	A general term used for any of the various CCISO employees involved in processing and making determinations on relief requests.
Underpayment	<ul style="list-style-type: none">a. An underpayment is an unpaid amount due from self-assessed taxes on either an original or amended joint return.b. Underpayment relief can only be considered under IRC 6015(f).

Term	Description
Understatement	<p>a. An understatement is the excess of the amount of tax required to be shown on the return(s), over the amount of tax reported on the return(s) for the taxable year.</p> <p>b. A math error that increased the amount of tax owed, from the amount shown on the original return filing is considered to be an understatement.</p> <p>c. For IRC 6015 purposes, a deficiency and understatement are treated the same. Taxpayers can be considered for relief under IRC 6015(b), IRC 6015(c), or IRC 6015(f) for a deficiency/understatement.</p>

25.15.18.1.5
(03-20-2019)

Acronyms

- (1) The following table lists commonly used acronyms and their definitions used throughout this IRM:

Acronym	Description
ADJ54	IDRS Command Code for adjustments
AIMS	Audit Information Management System
AMS	Accounts Management System
AMS/ISA	Accounts Management System/ Innocent Spouse Application
CC	Command Code
CCISO	Cincinnati Centralized Innocent Spouse Operation
ESTAB	IDRS command code used to order documents associated with transactions on an account.
GII	Generalized IDRS Interface
IAT	Integrated Automation Technologies
IDRS	Integrated Data Retrieval System

Acronym	Description
ISO-AR or ISOAR	Innocent Spouse Operation Adjustment Request
ISTS	Innocent Spouse Tracking System
IVL	Inventory Validation Listing
NRS	Non-Requesting Spouse
PCNRS	Phone Call Non-Requesting Spouse
PCRS	Phone Call Requesting Spouse
REQ54	IDRS Command Code used to request adjustments
RS	Requesting Spouse
STAUP	IDRS Command Code used to request suspension of collection notices.
TC	Transaction Code

25.15.18.1.6
(03-20-2019)

Related Resources

- (1) The table below includes references for related innocent spouse Internal Revenue Manuals (IRMs).

IRM	Purpose
IRM 21.10, Quality Assurance	Cincinnati Innocent Spouse Case Review (CISCR) procedures.
IRM 25.15.1, Introduction	General procedures for all functions.
IRM 25.15.2, General Procedures/ Employees With Taxpayer Contact	General procedures for all functions.
IRM 25.15.3, Technical Provisions of IRC 6015	Technical provisions of IRC 6015, Relief from Joint and Several Liability on Joint Return.
IRM 25.15.5, Relief from Community Property Laws	Technical provisions of IRC 66(c), Treatment of Community Property.
IRM 25.15.6, Field Examination Procedures	Field examination procedures for working innocent spouse cases.

IRM	Purpose
IRM 25.15.7, Innocent Spouse Shared Processing Responsibilities	Provides guidance for coordination between CCISO and other functions of the Service.
IRM 25.15.8, Revenue Officer Procedures for Working Innocent Spouse Relief Cases	Field collection procedures for working innocent spouse cases.
IRM 25.15.9, Account Processing of Requests for Relief from Joint and Several Liability	Processing procedures for adjusting accounts and closing innocent spouse cases.
IRM 25.15.12, Appeals Procedures	Appeals procedures for considering innocent spouse cases.
IRM 25.15.14, Innocent Spouse Tracking System	Innocent Spouse Tracking System (ISTS) procedures used to track innocent spouse cases.
IRM 25.15.15, Mirror Modules for Requests for Relief from Joint and Several Liability	Mirror modules for requests for relief from joint and several liability.
IRM 25.15.17, Reconsiderations	Reconsideration procedures for innocent spouse cases.
IRM 25.15.19, Non-Qualifying Claims & Complex Account Issues	Provides guidance to CCISO employees resolving taxpayer account issues which do not involve a determination of relief from joint and several liability.

25.15.18.2
(01-15-2020)

Administrative Overview

- (1) In general, innocent spouse relief requests are received in CCISO, and most are worked by CCISO through correspondence, using the procedures in this IRM. Requests received from taxpayers already under examination in Area Offices are screened, established on the Innocent Spouse Tracking System (ISTS) and then forwarded to the Area Office Innocent Spouse Coordinator (ISC) for routing to the appropriate field examiner for consideration.
- (2) Occasionally Area Office examiners, collection employees and employees in other areas of the Service receive requests directly from taxpayers, and they have procedures to transmit those requests to CCISO for screening. CCISO takes appropriate actions to ensure the request is considered either by CCISO or the Area Office examiner. See IRM 25.15.18.1.6, Related Resources, for IRM references.

25.15.18.3
(07-11-2016)

Accounts Management System (AMS)/Innocent Spouse Application (ISA) Database

- (1) The AMS/ISA application provides CCISO technicians access to the following tools:
 - Calculators,
 - Case history,
 - Financial statement worksheets,
 - Various tax allocation and computation worksheets, and
 - Innocent spouse case building and determination tools.

25.15.18.4
(07-11-2016)

Innocent Spouse Program - Mail Desk Procedures Overview

- (1) The mail clerk's primary responsibility is to ensure all incoming and outgoing mail is worked daily.
- (2) Mail is received twice each business day.
- (3) The mail clerk is responsible for ensuring all mail is:
 - a. Sorted,
 - b. Date stamped,
 - c. Batched, and
 - d. Forwarded to the correct area.
- (4) The work must be accomplished before the next mail run.
- (5) Some letters to taxpayers generated by CCISO require attachments.
 - Letters are mailed from Submission Processing or Campus Support and the attachments must be associated with the letter.
 - It is the mail clerk's responsibility to ensure attachments are sent to Submission Processing or Campus Support timely.

25.15.18.4.1
(03-20-2019)

Mail Desk - Incoming Mail

- (1) Mail addressed to Mail Stop 840F is retrieved from CCISO and Files docks, and from Multi-Functional Devices (MFDs) twice per day. All mail must be date stamped and sorted with the objective to have the Form 8857 stamped, batched, and on the First Read wall as follows:
 - a. For the first mail run (delivered at approximately 7:30 a.m.) out by 11:00 a.m., and
 - b. The second mail run (delivered at approximately 1:00 p.m.) out by 3:00 p.m.

Note: During peak filing seasons, check MFDs as needed.

- (2) Date stamp all documents. All documents will be stapled together. For faxed documents, this includes the cover sheet and transmittal.

Note: Documents received after 2:00 p.m. local time, can be date stamped on the next business day with the date of receipt.

- a. Form 8857, Page 1 and the envelope will both be date stamped.
- b. Undeliverable mail will be date stamped on the envelope only.
- c. All other mail will be date stamped on the first page of the correspondence or form.

Note: If the correspondence is received in a non-IRS envelope that is bulky, retain any portion containing IRS or postal markings and the remainder of the bulky envelope can be cut off and discarded.

- (3) Sort all documents. A list of the most common received documents are listed in the table below.

Received Documents	Description
Divorce decree and/or Separation Agreement	Copies of legal documents submitted by taxpayers to establish marital status.
Death Certificate	Government issued form to certify the death of an individual.
Form 1040	U.S. Individual Income Tax Return.
Form 1040-X	Amended U.S. Individual Income Tax Return.
Form 2848	Power of Attorney and Declaration of Representative.
Form 3210	Document Transmittal.
Form 4442	Inquiry Referrals.
Form 8379	Injured Spouse Allocation.
Form 8821	Tax Information Authorization.
Form 8857	Request for Innocent Spouse Relief.
<i>Form 8857(SP)</i>	Request for Innocent Spouse Relief (Spanish Version).
Form 10869	Returns or Other Documents Transmittal.
Form 12508	Questionnaire for Non-Requesting Spouse.
Form 12509	Innocent Spouse Statement of Disagreement.
Form 14039	Identity Theft Affidavit.

- (4) Place all forms in the appropriate receptacles.

Exception: Form 8857 requires actions. See IRM 25.15.18.4.3, Form 8857, or IRM 25.15.18.4.4, Form 8857 (SP), for more information.

25.15.18.4.2
(01-15-2020)
Mail Desk - Outgoing Mail

- (1) The clerical staff is responsible for sending all letter attachments to Campus Support.
- (2) Correspondence or forms going to Files will be delivered to Campus Support daily.

25.15.18.4.3
(07-11-2016)

Form 8857, Request for Innocent Spouse Relief

- (1) Batch received Form 8857 in blocks of 10.

Note: After sorting, if the earliest received date on the front of *Form 8857* is older than five days, give the document to a First Read Manager.

- (2) Place batched claims on First Read wall.

25.15.18.4.4
(07-11-2016)

Form 8857 (SP), Request for Innocent Spouse Relief (Spanish Version)

- (1) Batch received *Form 8857(SP)* in blocks of 10.

Note: After sorting, if the earliest received date on the front of *Form 8857(SP)* is older than five days, give the document to a First Read Manager.

- (2) Give batches to First Read lead or manager for assignment.

25.15.18.4.5
(07-11-2016)

Form 3210, Document Transmittal and Form 10869, Returns or Other Documents Transmittal

- (1) Form 3210.

- a. Sign and date.
- b. Place the recipient's copy in the appropriate receptacle.
- c. Send the acknowledgement copy back to the originator via fax or mail.

- (2) Acknowledged Form 3210.

- a. Date stamp and place in appropriate receptacle.

- (3) Form 10869.,

- a. Where a return receipt is requested, date stamp both copies and initial.
- b. Place one copy in the appropriate receptacle to be filed and send the other copy to the originator.

25.15.18.4.6
(02-06-2017)

Integrated Data Retrieval System (IDRS) Letters

- (1) Rejects from Letter Review will be forwarded to the CCISO team that issued the letter.

- (2) IDRS letters with taxpayer's correspondence attached will be forwarded to the CCISO team that issued the letter. Research ISTS to determine case location and associate with case or place in appropriate receptacle.

- (3) All IDRS letters issued from other areas will be placed in the receptacle marked "research".

25.15.18.4.7
(07-11-2016)

Misrouted Mail

- (1) Forward misrouted mail to the appropriate area daily using the Servicewide Electronic Research Program (SERP) Mail Routing Guides. See *SERP Mail Routing Guides*, for more information.

- a. Research available IRMs or applications to identify the appropriate area. Examples of applications are:

- IDRS,
- IRS Intranet, and
- SERP.

25.15.18.4.8
(07-11-2016)

Confidential Mail

- (1) Confidential mail is:

- a. Received in a confidential envelope (white envelope with a gray belt or blue pouches), or
- b. Addressed to a specific person, or
- c. Sent to Mail Stop 829F.

Note: Date stamp the envelope only and **do not open** the envelope. Hand deliver the envelope to the appropriate management official.

25.15.18.4.9
(07-11-2016)
**ESTAB, Charge outs,
Electronically Filed
Return Prints**

- (1) Documents requested by CCISO can be identified with the IDRS numbers located on all documents.
- (2) Date stamp cover sheet.
- (3) Misrouted ESTAB documents need to be identified and forwarded to Mail Stop 312.
- (4) Place remaining CCISO requested documents in the appropriate receptacle to be associated with the case file.

25.15.18.4.10
(02-06-2017)
Replies

- (1) Generally, replies are to questionnaires, requests for an appeals conference, or additional information received in response to a request from CCISO. Replies include the following:
 - Form 12508, Questionnaire for Non-Requesting Spouse.
 - Form 12509, Innocent Spouse Statement of Disagreement.
 - Form 870-IS, Waiver of Collection Restrictions in Innocent Spouse Cases.
 - Any additional correspondence or information.
- (2) Place in the appropriate receptacle to be associated with the case file.

25.15.18.4.11
(07-11-2016)
Undeliverable (UD) Mail

- (1) UD mail is any letter, notice, or correspondence sent to the taxpayer and returned to the Service for multiple reasons (i.e. address is not valid, taxpayer does not reside at address, no forwarding address, etc.)
- (2) UD mail is received from Receipt & Control in a box identified as UD mail.
- (3) Date stamp envelope only.
- (4) Sort UD mail by the IDRS number located at the top of the letter.

25.15.18.4.12
(07-11-2016)
**Taxpayer Advocate
Service (TAS)
Documents**

- (1) Route to the designated CCISO TAS team.

25.15.18.4.13
(07-11-2016)
**Form 843, Claim for
Refund and Request for
Abatement**

- (1) Route Form 843 claims to the appropriate area. See IRM 25.15.18.4.7, Misrouted Mail, for more information.

25.15.18.4.14
(07-11-2016)

Discovered Remittances

- (1) Discovered remittances are live checks or other unprocessed forms of payment received from taxpayers. These remittances must be given to a manager immediately.

Note: Per IRM 3.8.46.1, Discovered Remittances, the manager will prepare Form 4287, Record of Discovered Remittances, and any other required documents and forward to Campus Support, Stop 31A (Team 31104).

25.15.18.4.15
(07-11-2016)

Daily Counts

- (1) After completing each mail run, prepare and send a count of the claims to the CCISO management team as follows:

- Department Manager.
- First Read Managers and Leads.

25.15.18.5
(07-11-2016)

Work Stages for Innocent Spouse

- (1) This section provides procedures for working innocent spouse requests from receipt to final determination (Stages 01 through 12). For additional information on other Stages, see IRM 25.15.14.4.1, Stage Definitions and Activity.

25.15.18.5.1
(07-11-2016)

Stages 01 - 04, First Read

- (1) It is the responsibility of First Read technicians to determine the eligibility for relief for each tax year listed on the claim. The individual that submits the request is referred to as the RS. The other individual involved in the outcome is the NRS.
- (2) The First Read technicians are responsible for answering cold calls received on the CCISO toll free number. See IRM 25.15.18.9.2, Phones, for more information.

25.15.18.5.1.1
(07-11-2016)

Case Assignment

- (1) Management assigns innocent spouse cases.

Note: It is management's responsibility to ensure requests are on ISTS within five business days of receipt.

Exception: The time-frame for establishing ISTS is 14 business days during peak seasons of February - May, and September - November.

25.15.18.5.1.2
(03-20-2019)

Initial Screening

- (1) Review Form 8857 or other statement requesting relief to ensure the claim contains the following required elements:

- a. Check for valid signature. The request must be signed under penalty of perjury.

Note: Electronic, digitally signed, or stamped signatures are not valid. If a POA signs the Form 8857, there must be a Form 2848 indicating "Form 8857" POA permissions.

Reminder: Document on AMS when a representative is authorized for Form 8857 so that employees working the cold call line will know who is authorized without having to pull the case or request that the authorization be resubmitted.

- b. Tax years must be indicated.
- c. Information must be provided to explain the request for relief.

Note: If **any** of the above required elements are missing, the request for relief is unprocessable. See IRM 25.15.18.5.1.17, Unprocessable Claim, for more information.

- (2) If all the above required elements are present, then continue screening.

Note: When there is a congressional inquiry on a case, place the case in the appropriate folder and give to the lead or manager. Congressional cases will be identified by a letter from a representative or senator regarding the problems with the tax account. If the case has not been sent from TAS, the lead or manager may want to alert them.

25.15.18.5.1.3
(02-06-2017)

**First Read Screening
Procedures**

- (1) Review the claim and any attachments for allegations of forgery, unlawful, invalid joint returns, or duplicate returns. If any of these are found, then refer the request to the Technical Unit by completing the following actions:
- a. Input ISTS Stages 01, 02 (if applicable), 03, and 06 manually including purge date.
 - b. Input STAUP on affected years.
 - c. Prepare and send Letter 3659-C, Requesting Spouse Initial Contact, and request additional information, if warranted.
- Note: Do NOT contact NRS.**
- d. Use CC ESTAB to request tax return(s) and related documents.
 - e. Create TXMOD control with activity "TECH" and IDRS number "0297XXXXXX".
 - f. Assemble case. See IRM 25.15.18.5.1.16, Assemble Case, for more information.
 - g. Put the Form 8857 in the appropriate folder and place case in appropriate receptacle for the Technical Unit.

- (2) To determine the claim's eligibility, complete IDRS research as follows:

Note: Research both taxpayers' Social Security Numbers (SSNs).

IDRS Command Code	Actions
ISTSRS - Innocent Spouse Tracking System - Identifies any Open Request.	<p>a. Verify RS is the same as the claim on ISTS.</p> <p>b. Look for P = Primary or S = Secondary.</p> <p>c. If the RS is the same, print ISTS, staple to claim, and place in appropriate receptacle depending on stage for association.</p> <p>Note: Verify and correct, if needed, the earliest received date is reflected on ISTS, TXMODA control, TC 971 AC 065, and case file.</p>
ISTSRS - Previous Request (ISTS Closed) with the same RS.	a. Follow reconsideration procedures. See IRM 25.15.17.3, First Read Screening, for more information.
ISTSRS - Previous Request (ISTS Closed) where the RS was the previous NRS	a. Continue research as stated below in this table.
ISTSRS - No Record	a. Continue research as stated below in this table.

IDRS Command Code	Actions
<p>IMFOLT</p> <p>Note: This section identifies the transactions commonly looked for that may result in sending a request to another area, exceptions to mirroring, or non-qualifying a request for relief.</p> <p>Note: Ensure all transactions are reviewed using Document 6209, IRS Processing Codes and Information, as a reference if transactions are not understood.</p>	<p>Verifies SSN validity and Name Control. Shows all posted transaction codes to account.</p> <p>Note: An * behind the SSN may indicate a mis-match. Accounts with this condition cannot be mirrored.</p> <ol style="list-style-type: none"> Verify Name Control and SSN. Check for the following transaction codes posted to an account: <ul style="list-style-type: none"> TC 420 - Open Audit - See IRM 25.15.18.5.1.5 Audit Information Management System (AIMS) , for more information. TC 922 - Open AUR - See IRM 25.15.18.5.1.7, Open AUR/Correspondence Examination Cases, for more information. TC 971 - Action codes provides history. See Document 6209, IRS Processing Codes and Information, for more information. TC 520 - Bankruptcy, Collection Due Process (CDP). See IRM 25.15.18.5.1.8 , Open Bankruptcy, Collection Due Process (CDP) Cases, or Open Litigation Cases, for more information.

IDRS Command Code	Actions
IMFOLI	Provides information on all modules as follows: a. Freeze codes – See Exhibit 25.15.18-3, Freeze Codes, for more information. b. Filing status. c. Retention. d. Mirrored accounts. e. Existing balances due. f. All applicable Master File Tax (MFT) Codes. Examples: MFT 30, 31, 35, and 55.
CFINK	Shows Power of Attorney (POA) information, if applicable.
INOLES	Verifies the following: a. Name Control, b. Date of Death, c. Mail Filing Requirement (MFR), and d. Cross Reference SSNs.
TXMOD	Provides the following: a. A history of the account, b. All posted and pending transactions, and c. Open controls, if applicable.
ENMOD	Verifies address and telephone a. Check for TC 130. b. Check for TC 130 with blocking series 200-299 which indicates a Non-Master File (NMF) account is present. Refer to lead for further instructions.
FFINQ	Provides pending return information.
AMDISA	Provides the following: a. Current status, b. Primary Business Code (PBC), and c. EGC for open examination cases.

#

Note: As of January 13, 2016, First Read no longer mirrors accounts. First Read may indicate on the ISTS record any condition(s) that will prevent the account from being mirrored by Full Scope once a determination is made.

- (3) Once research is completed, the technician should be able to determine if the claim is an eligible request or a non-qualifying request.

Note: Since one request often involves multiple years, the request can have eligible and ineligible years. The activity record on the eligible years will be used to identify actions taken on all years requested. Only eligible years will be built and input on AMS.

- (4) To be eligible for relief:

- a. The RS must have elected to file a joint return.

Exception: Individuals who live in community property states can have a qualifying request on a head of household, married filing separate, or single return. See IRM 25.15.5.2, Community Property States, for more information. If community property issues might be present, refer to Technical Unit.

- b. There must be:

- A balance owed, or
- A refund offset, or
- Payments made by the RS are being requested for refund.

Note: The offset must belong to the RS in whole or in part.

Note: If no balance owed, but there are open examination or Automated Underreporter (AUR) indicators, continue screening.

- (5) All other requests for relief are non-qualifying requests. See IRM 25.15.18.5.1.11, Non-Qualifying Requests, for more information.

25.15.18.5.1.3.1
(03-20-2019)

**Overpayment Offset
After Request for Relief
Filed**

- (1) If the RS's overpayment from a current return was offset after the date the relief request was filed, determine if the overpayment needs to be refunded. Ensure the TC 971 AC 065 (L- freeze) has posted on the year for which relief was requested.

Note: For purposes of determining the date of payment when there is a TC 706 (offset of overpayment from the RS's account) use the cycle the offset posted. Prior to January 1, 2012, Monday's date is considered the first day of the cycle and the date the offset occurred. Effective January 1, 2012, the cycle format is YYYYCCDD. The posting date is determined by the last two digits of the cycle.

- 01 = Friday
- 02 = Monday
- 03 = Tuesday
- 04 = Wednesday
- 05 = Thursday

IF	THEN
The RS overpayment came from a non-joint return.	Refund the payment. Exception: If the RS resided in a community property state for the year RS claimed the refund, refer the case to the Technical Team to determine if the overpayment can be refunded. Update ISTS to Stages 01, 02 (if necessary), 03 and 06. The activity for Stage 06 is "OTHER". Add a comment entry of "TO TECH" on ISTS.
The RS overpayment came from a joint return filed with a different spouse.	Refund the payment.
The RS overpayment was from a joint return filed with the NRS.	Do not refund the payment. Note: If the RS is granted relief, the Financial Technician or Specialist will determine if any portion of the payment can be refunded.

25.15.18.5.1.4
(07-11-2016)
IRS Employee Cases

- (1) If the technician accesses an IRS employee account, complete Form 11377-E, Taxpayer Data Access, with the reason for the access and give the form to management.
- (2) If the technician knows the IRS employee, give the Form 11377-E and the case to a manager to be reassigned.
- (3) For more information on an IRS employee case, see IRM 25.15.18.9.7, IRS Employee Cases.

25.15.18.5.1.5
(03-20-2019)
Audit Information Management System (AIMS)

- (1) An "-L" freeze indicates an open AIMS record.
- (2) Check CC AMDISA to determine the current status of the examination case. Refer to Document 6209, IRS Processing Codes and Information, for the definition of AIMS status codes.
- (3) The technician will use the table below to determine actions needed:

If...	Then...
Employee Group Code (EGC) is in the 5XXX series and the status is 10 or greater.	Continue screening and put case in appropriate colored folder. Note: Do not mirror.
The Primary Business Code (PBC) is: <ul style="list-style-type: none"> • Either 201 - 215, 301 - 398, or 401 -417, and • EGC is 1XXX - 4999, and • Status is 10 - 50. 	The request for relief will be sent to the PBC SB/SE Division Area PSP Coordinator of the Transaction Code (TC) 420. <ol style="list-style-type: none"> Do not mirror. Input TC 971 AC 065. Update ISTS to Stages 01 and 03. Print ISTS and staple to front of folder. Place Form 8857 and all correspondence in folder. Place folder in appropriate receptacle. Note: It is in the best interest of the taxpayer to have the same employee work all years involved in an innocent spouse claim. If a request for relief meets the criteria above, all years that the taxpayer is requesting relief for will be included in the referral.
The EGC and status are other than those listed above in this table.	Continue screening using the table in Paragraph (4) below.

(4) See the table below for instructions on certain AIMS statuses.

If AIMS Status Is...	Then...
09 or below with a balance due or RS requested a refund.	Continue screening.
09 or below with no balance due, no refund offset, or payments made by the RS are not being requested for refund.	Close as full paid. See IRM 25.15.18.5.1.11, Non-Qualifying Requests, for more information.
51 - 55, or 57	Continue screening.

If AIMS Status Is...	Then...
<p>56</p>	<ul style="list-style-type: none"> a. Update ISTS and ISTSR Input Record to Stages 01, 02 (if necessary), 03, and 06 with purge date. b. Prepare and send Letter 3659-C, Requesting Spouse Initial Contact, to RS. <p>Note: Do not issue a letter to NRS.</p> <ul style="list-style-type: none"> c. Input TC 971 AC 065. d. Suspend the claim for 45 days. e. After 45 days, check CC AMDISA. f. If case is still in Status 56, suspend case another 45 days. g. Continue screening, if case is no longer in Status 56.
<p>80,81</p> <p>Note: The appropriate team will contact Appeals Customer Service (see IRM 8.1.9, Closed Case Referrals and Customer Service Contacts) to obtain contact information for the Appeals Officer assigned the deficiency case. Alert the Appeals Officer that the Innocent Spouse request for relief has been received and request copies of documents from the deficiency cases (i.e. RAR, tax returns, 30-day letter, unagreed report, etc.) to complete the preliminary determination. Once the preliminary determination is made and preliminary determination letters are issued to both spouses, the innocent spouse case will be forwarded to Appeals to be associated with the deficiency case per established procedures.</p>	<ul style="list-style-type: none"> a. Input TC 971 AC 065. b. Update ISTS and ISTSR Input Record to Stages 01, 02 (if necessary), and 03, with comment on AIMS status. c. Put the case in appropriate folder. d. Put case in appropriate receptacle to be forwarded to appropriate team. <p>Caution: Communication with Appeals is required. The case file should be well documented for all contacts. Ensure compliance with the prohibition for ex parte communication. See IRM 8.1.10, Ex Parte Communications, for additional information.</p>

If AIMS Status Is...	Then...
<p>82</p> <p>Note: The appropriate team will follow procedures in IRM 25.15.7.7, Open Litigation/Tax Court, upon receipt of the request for relief.</p>	<p>a. Input TC 971 AC 065.</p> <p>b. Update ISTS and ISTSR Input Record to Stages 01, 02 (if necessary), 03 and 07, with comment on AIMS status.</p> <p>c. Put case in appropriate colored folder.</p> <p>d. Place in appropriate receptacle to forward to appropriate team.</p> <p>Caution: Communication with Appeals and/or Counsel is required. The case file should be well documented for all contacts. Ensure compliance with the prohibition for ex parte communication. See IRM 8.1.10, Ex Parte Communications, for additional information.</p>
<p>90</p>	<p>a. Refer to second page of AMDISA print.</p> <p>b. The pending assessment will show in the "AIMS/ EXAM RESULTS".</p> <p>c. If the dollar amount is zero, continue screening. See IRM 25.15.18.5.1.3, First Read Screening Procedures.</p> <p>d. If the dollar amount is other than zero, check CC TXMOD for a pending TC 300.</p>

25.15.18.5.1.6
(03-20-2019)

Open -A Freeze Cases

- (1) Prepare and send Letter 3659-C, Requesting Spouse Initial Contact, and Letter 3284-C, Non-Requesting Spouse Initial Contact, and request additional information, if warranted.

Caution: The -A freeze must be resolved prior to any determination of eligibility for innocent spouse relief, including non-qualifying conditions. For example, do not non-qualify any module which contains an -A freeze.

- (2) Put case in appropriate colored folder and continue building case.

Note: Modules containing an open -A freeze will be worked in Full Scope or Technical Team to resolve the -A freeze.

25.15.18.5.1.7
(03-20-2019)
**Open
AUR/Correspondence
Examination Cases**

- (1) If there is an open AUR or Correspondence Examination, and there is no balance due, and no pending AUR or Examination assessment, then the claim can be closed non-qualifying.
- (2) If there is an existing balance due, continue building the claim and put in appropriate colored folder.

25.15.18.5.1.8
(02-06-2017)
**Open Bankruptcy,
Collection Due Process
(CDP), or Open
Litigation Cases**

- (1) Modules containing an open bankruptcy, CDP, or open litigation (TC 520 with appropriate closing codes) are worked as follows:
 - a. Continue screening.
 - b. Document in the upper right corner of the ISTSR Input Record the following:
 - “bankruptcy”,
 - “CDP”, or
 - “litigation”.

25.15.18.5.1.9
(03-20-2019)
**Criminal Investigation
(CI) Cases**

#

25.15.18.5.1.10
(07-11-2016)
Eligible Requests

- (1) Review Form 8857 for the following:
 - a. Part II, Number 6. Divorce decree or legal separation document should be attached, if applicable.
 - b. Part II, Number 8. If abuse indication checked, supporting documentation should be attached.

Exception: If Box 10 is checked “Yes”, then do not request documentation regarding abuse.
 - c. Part II, Number 9. Medical documentation should be attached, if applicable.
 - d. Part IV. Financial situation (statement) should be completed.
- (2) The technician will take the following actions in the table below.

If...	Then...
No divorce decree or separation agreement attached.	Request in Letter 3659-C, Requesting Spouse Initial Contact, with appropriate paragraph.
Abuse is indicated on Form 8857, Page 2.	
Abuse documentation not attached.	Request in Letter 3659-C, Requesting Spouse Initial Contact, with appropriate paragraph.
Medical information.	Request in Letter 3659-C, Requesting Spouse Initial Contact, with appropriate paragraph.
Financial information.	Request in Letter 3659-C, Requesting Spouse Initial Contact, with appropriate paragraph.

#25.15.18.5.1.11
(03-20-2019)**Non-Qualifying Requests**

- (1) The table below reflects the reasons a request may be non-qualifying and the appropriate activity code. See IRM 25.15.3, Technical Provisions of IRC 6015 , and IRM 25.15.19, Non-Qualifying Claims & Complex Account Issues, for more information.

Non-Qualified Reason	Stage 29 Activity Code
Collection Statute Expiration Date (CSED) expired.	CSED
Full paid--no payments from the RS or RS did not request a refund.	FP
Full paid--payments from the RS but the Refund Statute Expiration Date (RSED) has expired.	FP
Original liability full paid and no pending AUR/EXAM assessment transactions. For instance, exam was closed "no change" and TC 300 = 0.00.	PAND
Full paid but the account contains a joint (RS and NRS) TC 706.	FP
Full paid--RS is requesting a refund but is not eligible because payments were made jointly with NRS.	FP

Non-Qualified Reason	Stage 29 Activity Code
Full paid--only interest and penalties remain, and RS is not disputing the underlying liability.	FP
RS filed own return, unless community property rules apply.	FS
Account is on Retention Register/Vestigial.	FP or FS
Civil Penalty (MFT 55).	OT
Business Master File (BMF) assessment.	OT
Offer in Compromise accepted. Note: If there is a balance due because the taxpayers defaulted on the accepted offer, the request is non-qualifying. See IRM 25.15.1.2.7, <i>Offer in Compromise (OIC)</i> , for more information.	FP include history comment "OIC".
Injured spouse claim.	INJS
Affordable Care Act (ACA) Shared Responsibility Payment assessed on MFT 35.	FP include history comment "ACA".

(2) Input ISTS manually to the following:

- a. Stages 01, 02 (if applicable), 03,
- b. Stage 29 with appropriate Activity Description, and
- c. Stage 30 with Activity Description "NOACCTP".

Note: Only establish one ISTS record for non-qualifying requests. If multiple years listed on request, use latest non-qualifying year. Input comment notating all non-qualifying years requested. Document case actions on ISTSR Input Record.

Note: The activity description for Stage 29 will be the reason for the non-qualification of the latest year. See IRM 25.15.14.4.1.29, Stage 29 - Non-Qualifying, for more information. See IRM 25.15.14.4.1.1, Stage 01 - Receipt of Form 8857, for more information.

(3) Prepare and send Letter 3657-C, No Consideration Innocent Spouse, to RS.

Note: If a technician receives Form 8379, Injured Spouse Allocation attached to Form 8857, forward Form 8379 to Adjustments in the Campus where the tax return was filed and advise taxpayer with appropriate paragraphs.

Note: If applicable, send Form 8379 with the Letter 3657-C.

- (4) Input TC 290 for 0.00 on latest non-qualifying tax year.
- (5) Attach completed Form 11272, Associable IDRS Input Document Label, or REQ54/ADJ54 print, to front of Form 8857 **or** in red, notate on upper right hand corner of Form 8857 the following:
 - a. Adjustment/sequence number,
 - b. SSN,
 - c. MFT,
 - d. Tax year (YYYYMM), and
 - e. TC 290 .00.
- (6) Assemble all non-qualifying requests at the end of the day and attach Form 6502, Employee Source Document Folder Label.
- (7) Place the documents in the appropriate receptacle to send to files.

25.15.18.5.1.12
(07-11-2016)
**Eligible Claims with
Non-Qualifying Years
Requested**

- (1) Input ISTS manually for non-qualifying years to the following:
 - a. Stages 01, 02 (if applicable), 03,
 - b. Stage 29 with appropriate Activity Description, and
 - c. Stage 30 with Activity Description "NOACCTP".

Note: Only establish one ISTS record for non-qualifying requests. If multiple years listed on request, use latest non-qualifying year. Input comment notating all non-qualifying years requested. File with the tax year(s) built.

Note: The activity description for Stage 29 will be the reason for the non-qualification of the latest year. See IRM 25.15.14.4.1.29, Stage 29 - Non-qualifying, for more information.

- (2) Prepare and send Letter 3657-C, No Consideration Innocent Spouse, to RS.
- (3) Input eligible years into AMS. See IRM 25.15.18.5.1.14, AMS/ISA, for more information.

25.15.18.5.1.13
(07-11-2016)
Eligible Claims

- (1) For a definition of eligible claims, see IRM 25.15.18.5.1.2, Initial Screening, for more information.
- (2) Input eligible years into AMS/ISA. See IRM 25.15.18.5.1.14, AMS/ISA, for more information.

25.15.18.5.1.14
(07-11-2016)
AMS/ISA

- (1) Access AMS/ISA using the primary SSN to open account.
 - a. Open AMS/ISA Innocent Spouse tool.
 - b. Click on First Read link.
 - c. Input appropriate information (e.g. secondary SSN (if applicable), select who is RS) to open claim.
 - d. Input the following: earliest received date of claim, where the claim was received, Cincinnati Service Center received date (if applicable), and unit received date.
 - e. Input tax years being requested.

Note: If prior claim is in AMS/ISA, will need to click "Add Claim" button prior to input of appropriate information.

- f. Select Claim Number, then select "Claims Details" button.
- g. Click "First Read" button.
- h. Answer questions according to prior research.
- i. Request documents, if applicable.
- j. Click "Complete Disposition" button.

Note: FIRST READ WILL NOT MIRROR ANY ACCOUNTS. THIS ACTION WILL BE COMPLETED UPON DETERMINATION.

Note: If claim has multiple years, complete all eligible years prior to issue of actions.

- k. Click "Issue Actions" button.
- l. Print ISTSR Input Record (disposition sheet).
- m. Update activity record with necessary information (e.g. letters issued with paragraphs used, requested information from RS, etc.) and print.

Note: AMS/ISA will indicate which letter should be sent and provide suggested actions. Verify the AMS/ISA automated actions are correct (ISTS, transaction codes, and controls).

25.15.18.5.1.15
(07-11-2016)

Initial Contact Letters

- (1) Issue letters using IDRS/IAT tool "Letters."

- a. Select appropriate letter.
- b. Select appropriate paragraphs.
- c. Prepare and transmit letter from the table below.

Note: Place attachment in appropriate receptacle, if applicable.

- (2) IAT letters used by CCISO.

Letter Number	Description
Letter 3284-C, Non-Requesting Spouse Initial Contact.	Non-requesting spouse notification letter.
Letter 3657-C, No Consideration Innocent Spouse.	No consideration letter.
Letter 3658-C, Unprocessable Innocent Spouse Relief Request.	Unprocessable claim letter.
Letter 3659-C, Requesting Spouse Initial Contact.	RS initial/follow-up contact letter.
Letter 3662-C, Requesting Spouse Initial Contact Letter.	IRC 66(c) RS initial/follow-up contact letter.
Letter 3665-C, Nonrequesting Spouse Initial Contact Letter, IRC section 66(c).	IRC 66(c) NRS initial contact letter.

25.15.18.5.1.16
(02-06-2017)

Assemble Case

- (1) Eligible requests.

- a. ISTSR Input Record stapled to front of folder.
- b. Activity record stapled to inside left flap of folder.
- c. Left side of tab on folder write SSN of taxpayers with the primary taxpayer on top and the secondary taxpayer on bottom.
- d. Write earliest received date of claim in center of tab on folder.
- e. Place Form 8857 and all correspondence inside folder.

Note: If additional colored folder(s) are required, place on outside of manila folder.

- f. Notate purge dates and interim dates under "Clerical Instructions."

Note: Purge dates and interim dates can be located on letter chart provided by management.

- g. Place completed folder in designated receptacle to be filed.

Note: Documents pertaining to colored folders will be provided by management.

25.15.18.5.1.17
(02-06-2017)

Unprocessable Request

- (1) For unprocessable requests, the following actions will be taken:

- a. Input ISTS manually to Stages 01, 02 (if applicable), 03,
- b. Stage 29 with Activity Description "UNPR", or **NORF** for no return filed modules, and
- c. Stage 30 with Activity Description "NOACCTP". Input history comment stating reason (i.e. no signature, incomplete form).

Note: Only establish one ISTS record for unprocessable requests. If no tax year is listed on request, use the current tax year. If multiple years are listed, use the latest filed year.

- d. Circle any IRS received dates on Form 8857 and all correspondence in red.
- e. Return the form and correspondence to the RS.
- f. Prepare Letter 3658-C, Unprocessable Innocent Spouse Relief Request, using appropriate paragraphs.

Note: Envelope can be discarded.

- g. **Do not input TC 971 AC 065.**

25.15.18.5.2
(07-11-2016)

Stage 05 - Full Scope

- (1) Financial Technicians are responsible for reviewing all information on and with the request. Cases will be fully allowed, partially allowed, or disallowed based on the facts and circumstances by applying IRC 6015.

25.15.18.5.2.1
(07-11-2016)

Applicable Law

- (1) The table below provides a description of the applicable laws used in the innocent spouse program.

IRC Section	Description
IRC 6015(b)	a. Innocent spouse relief under this code section only applies to understatements. See IRM 25.15.3, Technical Provisions of IRC 6015, for more information.
IRC 6015(c)	a. Election to allocate a deficiency. See IRM 25.15.3, Technical Provisions of IRC 6015, for more information.
IRC 6015(f)	a. Equitable relief applies to underpayments and understatements. See IRM 25.15.3, Technical Provisions of IRC 6015, for more information.
IRC 66(c)	a. Applies to Community Property laws. These cases are referred to the Technical Team. See IRM 25.15.5, Relief from Community Property Laws.

25.15.18.5.2.2
(07-11-2016)

Case Assignment

- (1) Cases are assigned by a manager.
- (2) Cases should be screened upon receipt and worked in the appropriate order.

25.15.18.5.2.3
(02-06-2017)

Screening Procedures

- (1) Cases are in Stage 05 and assigned to the Financial Technician.
- (2) Screen case as shown in the table below.

Verify	Action
<p>The TC 971 AC 065 date is correct on TXMODA, ISTS, and case file.</p>	<p>If incorrect date was used, complete the following:</p> <ol style="list-style-type: none"> Input TC 972 AC 065 on TXMOD to reverse incorrect TC 971 AC 065. Input TC 971 AC 065 with correct date using Posting Delay of 1. Manually change the Stage 01 date on ISTS. Manually change the date on the case file tab and ISTSR Input Record. Correct TXMOD controls to reflect the correct claim received date.
<p>Valid signature on Form 8857.</p>	<p>If signature is not valid:</p> <ol style="list-style-type: none"> Attempt to contact RS and document the attempt. If response is not timely, or none is received, then follow procedures to close as Stage 29 using UNPR Activity Code. See IRM 25.15.18.5.1.17, Unprocessable Claim, for more information. <p>Note: If a new signature page is received, correct claim received date with the date the valid signature was received on 971/065, ISTS, ISTS Input Record, and TXMOD control.</p>

Verify	Action
<p>Correct SSNs on ISTS and AMS for both taxpayers.</p> <p>Note: Mirroring actions by First Read stopped as of January 13, 2016. Cases received after this date will be mirrored by Full Scope, if applicable.</p>	<ol style="list-style-type: none"> If the SSN used to input the claim on AMS or ISTS were incorrect, then make necessary corrections. Incorrect AMS record. Delete record and create new record. Incorrect ISTS record. See IRM 25.15.14, Innocent Spouse Tracking System , for more information. If there is an invalid TIN, refer to Lead Financial Technician.
<p>All mirroring actions are complete, if applicable.</p> <p>Note: Mirroring actions by First Read stopped as of January 13, 2016. Cases received after this date will be mirrored by Full Scope, if applicable.</p>	<ol style="list-style-type: none"> Determine which transactions have not been input or previously unposted. Input any remaining mirror transactions needed. Close any “dead cycle” mirroring controls on TXMOD.
<p>The following information has already been requested in the First Read process:</p> <ul style="list-style-type: none"> Divorce decree Abuse documents Medical documents Financial documents 	<p>If First Read did NOT request the information, then:</p> <ol style="list-style-type: none"> Contact the RS by phone or prepare and send Letter 3659-C, Requesting Spouse Initial Contact, to request the needed information, then Suspend the case for up to 45 days to allow RS time to send in the requested information.
<p>Needed return related documents are in the case file. Examples include the following:</p> <ul style="list-style-type: none"> ESTAB of original return Exam administrative file AUR assessment documents 	<p>If First Read did not ESTAB for needed documents, then:</p> <ol style="list-style-type: none"> Submit a CC ESTAB request or send Form 2275, Records Request, Change and Recharge, via efax to the appropriate Files office. For an audit assessment, the information may also be requested on Form 1725, Routing Slip, and sent to the designated CCISO employee via secured email.

Verify	Action
<p>The correct letters were sent to the RS and NRS in the First Read process to the correct addresses. Examples include the following:</p> <ul style="list-style-type: none"> Letter 3659-C, Requesting Spouse Initial Contact. Letter 3284-C, Non-Requesting Spouse Initial Contact. 	<p>If the necessary letters were not sent to both taxpayers, or were not sent to all addresses, then:</p> <ol style="list-style-type: none"> Prepare and send the required letter(s). Suspend the case for 45 days to allow the taxpayer to respond.

25.15.18.5.2.4
(02-06-2017)
Prioritize Work

(1) Work cases in the following priority:

- Taxpayer Advocate Service (TAS) cases marked “expedite”. See IRM 25.15.7.6, Taxpayer Advocate Service, for more information.
- Litigation or Docketed Appeals cases. See IRM 25.15.7.7, Open Litigation/Tax Court, for more information.
- Collection Due Process (CDP) cases. See IRM 25.15.7.4, Collection, for more information.
- Reworks in Stage 10. See IRM 25.15.18.5.6, Stage 10 - Reworks for more information.

Note: Reworks have a 30-day response time frame from the date of the taxpayer’s correspondence.

- By IRS received date.

25.15.18.5.2.5
(07-11-2016)
Case Work - Research

(1) Conduct necessary IDRS research.

IDRS Command Code	Description
ISTSR - Innocent Spouse Tracking System.	Used to verify request information and status of past and present innocent spouse relief requests.
TXMODA	<ol style="list-style-type: none"> Used to determine if the balance owed was generated by an underpayment, under-statement, or both. Used to review or research all transactions on a tax module as follows: <ul style="list-style-type: none"> All transactions that include a money amount (tax, credits, penalties, and payments). Transaction codes for past or present bankruptcy filings. Payments applied to the account.

IDRS Command Code	Description
IMFOLI	Used to determine: <ul style="list-style-type: none"> • If either taxpayer filed another return for the year in question. • If there is a balance owed for any other tax year in consideration of the tax compliance factor for equitable relief.
IMFOLT	Used to verify the following: <ul style="list-style-type: none"> • The validity of the spouse's SSN. • The Name Control on the joint return.
IMFOLR	Used to obtain the math error codes on a return.
CFINK	Used to determine if there is a valid Power of Attorney (POA) on file for the claim year.
RTVUE or TRDBV	Used to view full original return information when the return document is not available.
IRPTR	Used to view income and interest information.
ENMOD	Used to check for any pending
SUMRY	Used to check for open IDRS controls.

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Note: The table above is not all inclusive for any research. Research all CCs as dictated by the facts and circumstances of each case.

25.15.18.5.2.6
(07-11-2016)

IRS Employee Cases

- (1) For more information on an IRS employee case, see IRM 25.15.18.9.7, IRS Employee Cases.

25.15.18.5.2.7
(03-20-2019)

Open -A Freeze Cases

- (1) Accounts with an -A freeze need to be resolved prior to taking any further actions on the case. See IRM 25.15.7.2.1, Amended Returns, for more information.

25.15.18.5.2.8
(07-11-2016)

Case Work - Other Research Systems

- (1) Some other research systems available are as follows:

- Remittance Transaction Research (RTR) - use to check who made a payment and get a copy or print.
- Lexis/Nexis (Accurint).
- Internet.
- IRS Intranet.
- AMS/ISA.
- Employee User Portal (EUP) - use to access electronically filed returns.

25.15.18.5.2.9
(03-20-2019)

**Case Work -
Determinations**

(1) Technical provisions for relief and case development can be found in IRM 25.15.3, Technical Provisions of IRC 6015.

(2) Things to consider include the following:

- Timeliness of the claim.
- De minimis liability.
- Factors of relief.

(3) Determine underpayment and understatement.

(4) Determine attribution and allocate, if necessary.

Exception: If the understatement portion of the liability is due to a math error, it may not be necessary to complete an allocation worksheet.

- a. Sometimes the math error amount can be determined by comparing the TC 150 tax amount and the "TX/TRPR" amount under the Posted Return Information on TXMOD. If the TC 150 amount is higher, then the difference between the two figures is the math error understatement amount. See *Exhibit 25.15.3-1, Math Errors*, for additional information.

Note: If the RS has any income that contributed to the balance due, prior to any payments after the original filing, allocate income from the original return(s) and/or additional assessment.

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(6) Review Form 8857 for a response and additional correspondence.

(7) Apply tax law under appropriate code sections.

- a. If a refund is requested and the outcome is allowed or partially allowed, see IRM 25.15.18.5.2.19, Refunds, for more information.

(8) After reading all documentation, doing research (IDRS), and applying the tax law, the Financial Technician should make the determination on whether or not to grant relief to the RS in full or in part (fully allowed, partially allowed relief, or relief disallowed).

Note: If any years cannot be considered, follow Non-Qualifying procedures at IRM 25.15.18.5.1.12, Eligible Claims with Non-Qualifying Years Requested.

(9) To complete determination work papers, see IRM 25.15.18.5.2.11, Account Management Services (AMS), for more information.

25.15.18.5.2.10
(02-06-2017)

No Replies

- (1) The RS is required to complete all applicable sections of Form 8857, and provide any necessary supporting documentation when the claim is filed.

Note: If the required information is not received with the claim form, First Read will include a request to provide the required information within 45 days in the Letter 3659-C, Requesting Spouse Initial Contact.

- (2) If information is submitted and clarification is needed to make a determination, the Financial Technician will attempt to contact the RS/NRS for clarification.
 - a. Document all contact attempt(s) and any information discussed on AMS. Document activity record in case file with "See AMS History".
 - b. If during phone contact, the RS/NRS agrees to provide the additional documentation needed, the Financial Technician can allow up to 30 days for the RS/NRS to provide the information. Before ending the call, ensure the RS/NRS has the fax number and/or address to provide the additional information. The information can be faxed or mailed to the Financial Technician's attention.

Reminder: Contact should be with the POA, if applicable.

- c. Suspend the case for up to 45 days while waiting for the information.
- (3) Attempt to make a determination based on the information available in the case file.
 - a. Document additional attempts to contact.
 - b. If there is not enough information available in the case file to make a determination, disallow the claim with reason code "V". See IRM 25.15.14.4.1.11, Stage 11 - Preliminary Determination Issued, for more information.
 - c. To complete determination, see IRM 25.15.18.5.2.11, Account Management Services (AMS), for more information.

25.15.18.5.2.11
(01-15-2020)

Account Management Services (AMS)

- (1) The AMS tool discussed below was developed to assist the Financial Technician in preparing the work papers.

- (2) Use the AMS tool or manual work papers to prepare documentation for the case file as follows:

- a. Document the questions used to develop criteria for relief in making the determination.

Caution: AMS is a guide and may recommend a determination based on the questions answered, but the Financial Technician will make the final determination, based on all of the relevant facts and circumstances of the case.

- b. All facts and circumstances must be addressed and documented.
 - c. The case must be fully developed by the Financial Technician.
 - d. The entire process used for arriving at the determination must be clearly documented.
- (3) Any phone call made or received regarding the taxpayer's account must be documented in the AMS History.
- (4) Complete the general information section of the work papers.

Example: The Financial Technician may include the following:

- a. A summary of the determination process.
- b. Attribution.
- c. Code section used.
- d. Determination outcome.
- e. Any refunds to be issued.

(5) Complete the spouse response section of the work papers.

Example: The Financial Technician may include the following:

- a. No reply.
- b. Undeliverable.
- c. Deceased.
- d. Summary of NRS response.

Note: REVIEW FOR APPROPRIATE OUTCOME. SAVE AND PRINT WORK PAPERS. Initiate "ISSUE ACTIONS" on the AMS Innocent Spouse Claim Details screen.

Note: Upon determination, if there is a concern for the RS' safety, the Financial Technician must take appropriate precautions, which may include telephone contact with RS, before sending a preliminary determination letter. Document the case file with any additional actions taken.

(6) Mirror the account, as appropriate.

Note: Mirroring actions completed by First Read stopped on January 13, 2016. After January 13, 2016, mirroring is to be completed by Full Scope.

- a. Fully allowed claims – account to be mirrored at the time the determination is made, and the RS MFT 31 will be zeroed out upon closure.

Exception: If the balance due on the joint account is zero, and there are no refundable payments, do not mirror.

- b. Partially allowed relief –account to be mirrored at the time the determination is made. Prepare the Innocent Spouse Operation – Adjustment Request (ISO-AR) for mirrored accounts to adjust the MFT 31 of the RS.

Note: The ISO-AR worksheet can be found in the CCISO SharePoint.

- c. Relief disallowed – no mirroring is required (both taxpayers remain jointly liable).

25.15.18.5.2.12
(01-15-2020)
Multi-Year Requests

(1) If a multi-year request results in different determinations, the years should be separated for the differences in processing and closing procedures required.

Example: The relief request is for 2009, 2010, and 2011. Full relief is granted for 2009, Partial Relief is granted for 2010, and 2011 is denied in full.

- (2) The fully allowed year can close after the Final Determination is issued. Place the fully allowed year (or years) in a separate folder with a copy of the ISTS Input Record on the front of the file, and enclose any original documents related solely to that year, if secured.
- (3) The partially and fully disallowed years can remain together; but to expedite processing upon default of petition period, associate the documents needed for the processors on the partial relief year separately. When the petition period expires, the partial relief documents can be forwarded to the processors and that year updated to Stage 27, while the fully disallowed year can be closed.

25.15.18.5.2.13
(02-06-2017)

Fully Allowed Requests

- (1) A fully allowed request is when the RS is granted full relief from the tax liability.
- (2) Follow IRM 25.15.18.5.2.16, Taxpayer Notification/Suspense Procedures.
- (3) Prepare closing instructions as stated in the following table.
 - a. The ISO-AR worksheet is utilized for account adjustment requests.
 - b. The AUR ISO-AR worksheet is utilized for account adjustment requests.

If...	Then...
Account is mirrored and no refund is due.	<ol style="list-style-type: none">a. No ISO-AR is needed.b. Complete clerical instructions on ISTSR Input Record per Exhibit 25.15.18-4, Clerical Instructions for Full Scope.
Account is mirrored and refund is due.	<ol style="list-style-type: none">a. Complete ISO-AR for refund request.b. Print two copies of ISO-AR. One should be marked as "COPY" and kept in the case file.c. The original ISO-AR will be attached to the full TXMOD print with all refundable payments highlighted and any required proof of payment(s). Place in the case file for later clerical use.d. Place case file in the appropriate colored folder based on the refund type.e. Complete clerical instructions on ISTSR Input Record per Exhibit 25.15.18-4, Clerical Instructions for Full Scope.

If...	Then...
Account is not mirrored (with or without a refund).	<ol style="list-style-type: none"> Complete ISO-AR for non-mirrored account, requesting transfer of debt to MFT 31 or NMF 20, after any refund to RS is processed. Print two copies of ISO-AR. One should be marked as "COPY" and kept in the case file. The original ISO-AR will be attached to the full TXMOD print with all refundable payments highlighted and any required proof of payment(s). Place in the case file for later clerical use. Place case file in the appropriate colored folder based on the refund type, if needed. Complete clerical instructions on ISTSR Input Record per Exhibit 25.15.18-4, Clerical Instructions for Full Scope.

(4) Update TXMOD activity with the determination as follows:

- "A6015" (Allowed) with IRC 6015 (b), (c), or (f) as appropriate.

(5) Update TXMOD control as follows:

- "02xxx00030" (xxx is IDRS team number) with activity "30DYMMDDYY" (30-day purge date).

Note: The 30-day purge date is generated by AMS when the Stage 11 activity is initiated. To manually calculate the 30-day purge date, calculate 45 days from the letter issue date.

(6) Notate the case file folder with the purge date.

(7) Complete the following items on the ISTSR Input Record:

- The Stage 11 field.
- The **FS TE** (Full Scope Tax Examiner) field with the Financial Technician's name and related identifying information on the bottom of the form.

(8) After AMS updates ISTS to Stage 11, manually input the paragraph selections, as applicable.

(9) Document the activity record located inside the case file with any actions taken.

Note: Print additional activity record pages, if necessary. Do **NOT** write on the back of the pages.

(10) Place the case file in the appropriate team receptacle to be filed by the clerical staff.

25.15.18.5.2.14
(02-06-2017)

Partially Allowed Relief

(1) Partially allowed relief is when the RS is not entitled to full relief of the entire tax liability.

Note: Refer to IRM 25.15.3, Technical Provisions of IRC 6015, and IRM 25.15.5, Relief from Community Property Law, to make a determination.

(2) Examples of partially allowed relief are shown in the table below.

Example	Scenario
Example 1. Underpayment per IRC 6015 (f).	<ul style="list-style-type: none"> • RS requests relief of a joint liability in the amount of \$5,000 (plus penalties and interest) due to an underpayment. • \$700 of the underpayment is attributable to the RS because they did not have sufficient federal income tax withheld from their wages. • A review of the facts and circumstances show it would be inequitable to hold the RS responsible for the remaining \$4,300 of underpayment attributable to the NRS. • Only partially allowed relief would be granted because of the \$700 underpayment attributable to the RS.
Example 2. Understatement per IRC 6015 (b) or (c).	<ul style="list-style-type: none"> • RS requests relief of a joint liability in the amount of \$12,000 (plus penalties and interest) due to understatement. • The NRS failed to report \$50,000 of income on the return and the entire understatement is attributable to the NRS. • It is determined the RS knew of and significantly benefited from \$20,000 of the NRS' unreported income of \$50,000. Since the RS did not know about the \$30,000 unreported income when the return was filed, the RS meets the qualifications for partially allowed relief. It would be appropriate to grant partially allowed relief of the tax owed on the \$30,000 of unreported income. • This would be considered partially allowed relief because of knowledge.

(3) Follow IRM 25.15.18.5.2.16, Taxpayer Notification/Suspense Procedures.

(4) Prepare closing instructions as stated in the following table.

If...	Then...
Partial Relief is granted and account is mirrored (with or without refund). Caution: If both spouses filed innocent spouse claims, and partial relief is granted to both, reverse the TC 971 AC 110s present on each MFT 31 account to prevent payments from mirroring.	a. Complete ISO-AR per allocation worksheet. b. Print two copies of ISO-AR. One should be marked as "COPY" and kept in the case file. c. Attach copy of RS' allocation and complete TXMOD print (with any refundable payments highlighted) to the ISO-AR. d. Place case file in appropriate colored folder, if refund is being issued. e. Complete clerical instructions on ISTSR Input Record per Exhibit 25.15.18-4, Clerical Instructions for Full Scope. f. Send case to processing.
Partial relief is granted and account is not mirrored (with or without refund).	a. Complete ISO-AR for Non-Mirrored Accounts per allocation worksheet. b. Print two copies of ISO-AR. One should be marked as "COPY" and kept in the case file. c. Attach copy of RS' allocation and complete TXMOD print (with any refundable payments highlighted) to the ISO-AR. d. Place case file in appropriate colored folder, if refund is being issued. e. Complete clerical instructions on ISTSR Input Record per Exhibit 25.15.18-4, Clerical Instructions for Full Scope. f. Send case to processing.

(5) Update TXMOD activity with the determination as follows:

- a. "P6015" (Partially Allowed) with IRC 6015 (b), (c), or (f) as appropriate with applicable reason code.

(6) Update TXMOD control as follows:

- a. "02xxx00030" (xxx is IDRS team number) with activity "30DYMMDDYY" (30-day purge date).

Note: The 30-day purge date is generated by AMS when the Stage 11 activity is initiated. To manually calculate the 30-day purge date, calculate 45 days from the letter issue date.

(7) Notate the case file folder with the purge date.

(8) Complete the following items on the ISTSR Input Record:

- a. The Stage 11 field.
- b. The "FS TE" (Full Scope Tax Examiner) field with the Financial Technician's name and related identifying information on the bottom of the form.

(9) After AMS updates ISTS to Stage 11, manually input the paragraph selections, as applicable.

(10) Document the activity record located inside the case file with any actions taken.

Note: Print additional activity record pages, if necessary. Do **NOT** write on the back of the pages.

- (11) Place the case file in the appropriate team receptacle to be filed by the clerical staff.

25.15.18.5.2.15
(02-06-2017)
Relief Disallowed

- (1) Relief disallowed is when a claim is fully disallowed because the RS does not meet the qualifications for granting relief.

Note: Refer to IRM 25.15.3, Technical Provisions of IRC 6015, and IRM 25.15.5, Relief from Community Property Laws/Community Property States, to make a determination.

- (2) Follow IRM 25.15.18.5.2.16, Taxpayer Notification/Suspense Procedures.
- (3) Update TXMOD activity with the determination as follows:
 - a. "D6015" (Disallowed) with IRC 6015 (b), (c), or (f) as appropriate with applicable reason code.
- (4) Updated TXMOD control as follows:
 - a. "02xxx00030" (xxx is IDRS team number) with activity "30DYMMDDYY" (30-day purge date).

Note: The 30-day purge date is generated by AMS when the Stage 11 activity is initiated. To manually calculate the 30-day purge date, calculate 45 days from the letter issue date.
- (5) Notate the case file folder with the purge date.
- (6) Complete the following items on the ISTSR Input Record:
 - a. The Stage 11 field.
 - b. The "FS TE" (Full Scope Tax Examiner) field with the Financial Technician's name and related identifying information on the bottom of the form.
- (7) After AMS updates ISTS to Stage 11, manually input the paragraph selections, as applicable.
- (8) Document the activity record located inside the case file with any actions taken.

Note: Print additional activity record pages, if necessary. Do **NOT** write on the back of the pages.

- (9) Place the case file in the appropriate team receptacle to be filed by the clerical staff.

25.15.18.5.2.16
(03-20-2019)
Taxpayer Notification

- (1) Issue a preliminary determination letter to RS, NRS, and current POA, if applicable.

Note: Check CC CFINK for valid POA.

- (2) Innocent spouse relief determinations made prior to March 4, 2019:

Determination	Letter To RS	Letter To NRS
Fully Allowed	Letter 4986-C, Requesting Spouse Preliminary Determination Letter on Allowed Innocent Spouse Claims.	Letter 4983-C, Nonrequesting Spouse Preliminary Letter on Allowed Innocent Spouse Claims.
Partially Allowed	Letter 4987-C, Requesting Spouse Preliminary Determination Letter on Partially Allowed Innocent Spouse Claims.	Letter 4984-C, Nonrequesting Spouse Preliminary Determination Letter on Partially Allowed Innocent Spouse Claim.
Relief Disallowed	Letter 4988-C, Requesting Spouse Preliminary Determination Letter on Disallowed Innocent Spouse Claims.	Letter 4985-C, Nonrequesting Spouse Preliminary Determination Letter for Disallowed Innocent Spouse Claims.

- (3) Innocent spouse relief determinations made on or after March 4, 2019:
- Issue Letter 3661-C, Requesting Spouse Preliminary Determination, to RS.
 - Issue Letter 3660-C, Non-Requesting Spouse Preliminary Determination, to NRS.
- (4) On **fully allowed** claims, the NRS will receive appeal rights.
- The RS may receive appeal rights if they will not receive the full refund requested, or if
 - The RS' claim of forgery was denied due to tacit consent.
- (5) On **partially allowed** claims, both the RS and NRS receive appeal rights.
- (6) On **relief disallowed** claims, the RS will receive appeal rights, but the NRS will not.

25.15.18.5.2.17
(02-06-2017)

**Form 870-IS, Waiver of
Collection Restrictions
in Innocent Spouse
Cases**

- (1) On **relief disallowed and partially allowed claims**, the RS may request a Form 870-IS.

Exception: Form 870-IS cannot be sent on an open AUR/CCEO case.

Note: If Form 870-IS is received, update the IDRS control base to "02XXX00870" and follow IRM 25.15.3.11, Waivers, for more information.

- (2) The following items need to be completed using RS information when preparing a Form 870-IS:
- Your name and address (*Number, Street, City or Town, State, Zip Code*).
 - Your Social Security Number.
 - Your Spouse or Ex-Spouse's Social Security Number.
 - Tax Year Ended.
 - Relief Provision.

- f. Tax.
- g. Penalties, if applicable.

Caution: The name of the field on the Form 870-IS references “Your name and address”. Input RS information only when the word “your” is used.

25.15.18.5.2.18
(07-11-2016)

ISO Adjustment Request

- (1) The ISO-AR will be pre-filled to match the allocation worksheet information, when using the Underpayment or Understatement Allocation tool. It is the Financial Technician’s responsibility to review the ISO-AR to ensure it is complete and correct.
- (2) The following are **general** guidelines on how to transfer the figures from the allocation worksheet to the ISO-AR:

If...	Then...
Underpayment or Understatement Combo	When granting partially allowed relief of an underpayment AND partially allowed relief of an understatement on the same module: <ul style="list-style-type: none"> a. There will be two allocation work sheets (one for the underpayment and one for the understatement). b. The same figures from each allocation will be combined (i.e. add the tax amounts being relieved together), to make a single adjustment for each transaction code (i.e. TC 291, 806/807, 764/765, 766/767).
TC 766 or TC 767	<ul style="list-style-type: none"> a. If adjusting a TC 766 or TC 767, there must be a Credit Reference Number (CRN) included. b. The CRN specifies which credit is being adjusted.
Penalties	<ul style="list-style-type: none"> a. When preparing an allocation worksheet, if there is a TC 350 penalty, you may include it in the TC 240 field on the allocation worksheet.
TC 300	<ul style="list-style-type: none"> a. A TC 300 will be adjusted with a TC 291.

25.15.18.5.2.19

(02-06-2017)

Refunds

- (1) A refund determination is made based on the facts and circumstances and only given if requested on Form 8857. A refund is accomplished through a credit transfer or a manual refund request.

Exception: Refund offsets to the relief year can be considered for refund, even if not requested.

Note: Any statements submitted with or received from the RS become part of the Form 8857.

- (2) All payments being refunded must be verified as being received solely from the RS as shown in the table below:

If...	Then...
TC 640 - Advanced Payment of Deficiency Assessment.	Proof of payment being made solely from RS is required. Examples include the following: <ul style="list-style-type: none"> • Copy of RS' cancelled check. • Copy of money order.
TC 670 - Installment Agreement Payments.	RS must provide proof of installment agreement payments. Examples include the following: <ul style="list-style-type: none"> • Verification via CC IADISA. • Copy of RS' cancelled check.
TC 670 - Levy Payment.	RS must provide proof of levy. Examples include the following: <ul style="list-style-type: none"> • Copy of RS' bank statement. • IRS letter showing levy initiation. • Pay stub or employer information from CC IRPTR verifying levy.
TC 670 - Payment With Designated Payment Code (DPC). <ul style="list-style-type: none"> • DPC 18 - Primary Taxpayer, or • DPC 19 - Secondary Taxpayer 	If the DPC code applies to the claimant, no proof of payment is required.
TC 670 - Payment Without DPC.	Proof of payment being made solely from RS is required. Examples include the following: <ul style="list-style-type: none"> • Copy of RS' cancelled check. • Copy of money order. • Copy of RS' bank statement showing payment.

If...	Then...
TC 706 - Overpayment Applied from Another Tax Module.	<ul style="list-style-type: none"> Analysis is required to determine if the payment is from a joint account of the RS/NRS or a single/separate account for RS or joint account of RS and another. Computations on joint refund offsets must be reviewed by a lead. Any offsets where the return is from a community property state require a Technical Referral Form and authorization statement from technician verifying amount to be refunded to claimant. <p>Note: Do not refer to Technical if it is determined the community property was terminated prior to the offset year.</p>

(3) Payment types and determination of payment eligible for refund is as follows:

If the Payment/Credit is a...	Then Payment Eligibility is...
Prepaid or timely credit. For example: <ul style="list-style-type: none"> Estimated tax payment, or Withholding, or A payment before the due date (determined without regard to any extension of time for filing). 	Not eligible.
Subsequent payment (made after the due date of the return) or credit made (determined without regard to any extension of time for filing).	Eligible if paid within three years from the return filed date or two years from the payment date, whichever is later. For more information refer to IRM 25.6.1.7, Credits and Payments.

(4) If a refund is applicable, determine if a credit transfer is appropriate or a manual refund is issued.

Note: Use a credit transfer when possible.

(5) Credit transfers are accomplished by the following:

- Prepare ISO-AR.
- Include document in case file.
- Document activity record.
- Provide clerical instructions.
- Place case in the appropriate colored folder.

Note: Credit transfer will be processed upon closure.

- (6) It may be necessary to issue a manual refund to the RS if Master File is unable to refund the credit. See IRM 21.4.4, Manual Refunds, for more information. Additional reasons for a manual refund are as follows:

- An erroneous TC 130 freeze. The TC 130 was input to the RS's TIN in error.
- Certain 2001 tax year rebates.
- Payments, other than offsets, on the joint module belonging to only one spouse.
- RS is the primary taxpayer, IDRS indicates Status 60, Installment Agreement, and payment(s) need to be refunded.

Exception: This note pertains to MFT 31 only. If a TC 150 **HAS NOT** posted to a module, a manual refund **CANNOT** be issued. If a manual refund is attempted, a -X freeze will be created, and the technician will not be able to post a TC 290 .00 to release it. If payments must be refunded on an expedite basis, and conditions prevent the issuance of the refund from the module, transfer the payments to a module for the RS that has a zero balance and a TC 150 posted.

25.15.18.5.3
(07-11-2016)
Stage 06 - Suspense

- (1) Stage 06 is used to suspend innocent spouse cases. See IRM 25.15.14.4.1.6, Stage 06 - Suspense, for more information. Suspended cases include the following:
- Unlawful returns.
 - Forgery allegations.
 - Invalid joint elections.
 - Disaster areas.
- (2) Management is responsible for identifying the location and the individual responsible for monitoring this inventory.

25.15.18.5.4
(02-06-2017)
Stage 07 - Appeals Requests

- (1) After a Preliminary Determination is made, taxpayers may request an additional review of their case file by sending in a completed Form 12509, Innocent Spouse Statement of Disagreement, or a written request for an Appeals conference.

Note: Technicians must review the new correspondence to determine if a revised determination needs to be made, prior to sending to the Appeals office. If the determination does not change and the protest meets the criteria for an adequate protest as outlined in Pub 5, "Your Appeal Rights and How to Prepare a Protest If You Don't Agree", document the case file, then forward the case to Appeals. See IRM 25.15.18.5.6, Stage 10 - Rework, for more information.

25.15.18.5.4.1
(03-20-2019)
Documentation for Appeals

- (1) Evaluate the Appeals request:
- a. If RS/NRS states documentation to follow, then suspend case for reasonable time.
 - b. If not received, then document and send to Appeals if appropriate.
 - c. If received, consider new information before sending to Appeals.

- d. Ensure the protest is adequate per the guidelines in Pub 5, Your Appeal Rights and How To Prepare a Protest If You Don't Agree, and is signed under penalty of perjury.

(2) Documentation for Appeals cases is as follows:

- a. Original and revised work papers.
- b. Documented activity record.

Note: Ensure the documentation is specific.

See Exhibit 25.15.18-1, Documented Activity Record, for more information.

- c. Allocation Worksheets, if applicable.
- d. Tax returns, CP-2000, exam reports, or similar prints for all years being appealed.

Note: RTVUE, TRDBV and IRPTRO prints can be substituted, if these prints contain the same essential information as the returns.

25.15.18.5.4.2
(07-11-2016)
Preparing Case for Appeals

(1) Complete the following actions on each case:

- a. Input comment into ISTS, "Sent to Appeals", and which taxpayer sent the appeal.

Example: "RS Appealed "or "NRS Appealed".

- b. Send Letter 4144-C, Innocent Spouse Appeal/870-IS Acknowledgement, to RS, NRS, and any valid POAs on the taxpayers' accounts.
- c. Update TXMODA control with, "To Appeals".

Note: The designated personnel will update the ISTS to Stage 7 and close the TXMOD control.

- d. Place case in appropriate receptacle.

25.15.18.5.4.3
(07-11-2016)
Docketed Information Management System (DIMS)

- (1) The Office of Chief Counsel prepares and emails a hardcopy of the DIMS lists to the various IRS functions, including CCISO, who issues notices to taxpayers that include Tax Court rights. A DIMS list contains all cases where the taxpayer has petitioned the Tax Court during a specified period. CCISO must review the entire DIMS list to identify innocent spouse cases that appear on the list. The identified case(s) should be highlighted, and the current ISTS Stage written in the right margin, next to the identified case. It is important to pay particular attention to any case where the source of the notice is "unknown".

Note: Counsel needs to "answer" a petition no later than 60 days from the date the petition is served on the IRS. The "answer due date" is set by the Tax Court.

- (2) If Appeals does not receive a docketed case within ten calendar days from receipt of the docket list, Appeals begins its process of searching for and securing the case. If the ISTS stage of the case will prevent CCISO from transmitting the docketed case to Appeals within ten calendar days of the docket list date, CCISO must notify the Appeals DIMS contact and provide the ISTS status of the case for the DIMS contact to provide to the assigned Counsel attorney.

Note: The DIMS list identifies an Appeals office for each case. A DIMS contact is designated for each Appeals office on the DIMS office Code Assignment list posted on the Appeals web page at *Appeals - DIMS Office Code Assignments.*

(3) The DIMS list contains:

- A docket list number,
- A docket number, and
- Date.

Note: Enter these items as a comment entry on ISTS, if available.

(4) If ISTS is Stage 01 through 04, place a print of ISTS and a copy of the DIMS listing entry in a designated color folder and give to the First Read team. The designated color folder indicates that:

- No determination has been made,
- The case should be purged, and
- Expedited to Full Scope via Stage 05 for determination.

(5) If ISTS is Stage 05, the Full Scope team will receive a designated color folder with the ISTS print. Work these cases on an expedite basis. After a determination is made, prepare the work papers, and document the history sheet. Contact the assigned Counsel attorney via secured email to advise of an innocent spouse request receipt, and to determine if the petitioning taxpayer is the RS or NRS. Use the following link to search for U. S. Tax Court cases: *United States Tax Court - Docket Inquiry.*

Note: If the NRS is the petitioner, the innocent spouse claim is no longer relevant to the tax court petition. The designated color folder may be removed and the innocent spouse claim may be worked per normal full scope procedures. See IRM 25.15.18.5.2, Stage 05 - Full Scope, for more information. In general, the claim will be worked with direction from Counsel.

Note: If the docketed case has been or will be dismissed for lack of jurisdiction, Counsel may direct CCISO to retain the case and proceed with sending determination letters to the RS or NRS.

(6) After a determination is made, prepare the work papers and document the history sheet. Print any documented phone calls or history items related to the innocent spouse claim from the AMS history, and place prints in the case file for reference.

Reminder: If Appeals requests to have the case sent to their office, do not issue the determination letters.

(7) If ISTS Stage is 11 through 28, complete the following actions:

- a. Retrieve the case file and place in a designated color folder.
- b. Place a print of ISTS and a copy of the DIMS listing entry in the case file.
- c. Print any documented phone calls or history items related to the innocent spouse claim from the AMS history.
- d. Place prints in the case file, for reference.
- e. Update TXMOD to "TAXCOURT", "02XXX00007".

- f. Case will be forwarded to Appeals. See IRM 25.15.18.5.4.2, Preparing Case for Appeals, for more information.

(8) If case is in Stage 30, complete the following actions:

- a. Request the document from Files.
- b. Place in designated color folder with an updated ISTS print and a copy of DIMS listing entry.
- c. Input TC 971 AC 065.
- d. Update ISTS and the ISTSR Input Record to Stage 07.
- e. Forward to Appeals. See IRM 25.15.18.5.4.2, Preparing Case for Appeals, for more information.

25.15.18.5.4.4
(02-06-2017)

Mirroring Requests for Appeals

(1) When requested, CCISO will mirror an account that was not mirrored prior to CCISO sending the case to Appeals. The request can only be made once Appeals has made a final determination to allow a claim in full, and when that claim was previously denied in full by CCISO.

(2) Upon receipt of the mirroring request from Appeals, CCISO will:

- a. Initiate the process of mirroring the account within five business days of receiving the request.

Note: CCISO will notify Appeals if the account is one that cannot be mirrored. See Exhibit 25.15.18-2, Accounts That Cannot Be Mirrored, for a list of such cases.

- b. Ensure all transactions are posted to complete the mirroring of the account.
- c. Promptly notify Appeals after the entire mirroring process is complete.
- d. Resolve any unpostables resulting from the mirroring transactions they input.

25.15.18.5.5
(07-11-2016)

Stage 09 - Quality Review

(1) When a case has been selected for Quality Review, the case is updated by the reviewer and is coded as follows upon completion:

Activity Code	Explanation
APPR	Approved.
RNSF	Returned, determination not supported by facts.
RNSL	Returned, determination not supported by law.
ROTH	Returned for other reasons.
RPRD	Returned for account problem resolution.
MSRT	Misrouted.

(2) Upon receipt of the error, the technician will agree to make all necessary corrections to the case or rebut the original findings from the reviewer.

- a. If the technician agrees and makes the corrections, case will follow normal processing procedures from the point the error was made.

- b. If the technician rebuts the error(s), the case will be held until a determination is made by Quality Review to uphold the error or agree with the changes.

25.15.18.5.6

(02-06-2017)

Stage 10 - Rework

- (1) A “rework” is a case containing additional correspondence, additional information on Form 12509, *Innocent Spouse Statement of Disagreement*, and/or a request for Appeals received from the taxpayer before a final determination is issued. Additional information could change a prior decision. All submitted additional information needs to be reviewed before a final determination is issued, since the additional information could change a prior preliminary determination or change a refund.

Note: When it becomes necessary to evaluate a claim that was previously non-qualified in error, refer to IRM 25.15.18.5.1.11, Non-Qualifying Requests, for more information on why it was non-qualifying.

Note: Quality Review may deem a case qualified for a necessary rework when all the facts were not properly considered previously.

- (2) Reworks that were previously non-qualified need to be input into AMS. See IRM 25.15.18.5.1.14, AMS/ISA, for more information.
- (3) Reworks in which a preliminary determination was issued will need to have additional information input to AMS.

25.15.18.5.6.1

(07-11-2016)

Rework Process

- (1) The Full Scope technician will verify the following actions have been taken:
 - a. Case is in Stage 10 on ISTS.
 - b. Case has had appropriate updates on ISTS, TXMODA, and is controlled into the appropriate IDRS number.
 - c. Case has been prioritized to ensure the review is completed within 30 days of receipt.

Note: If a request for Appeals has been made, it must be postmarked within 30 days from the date of the preliminary determination letter.

Note: If the additional information was received after the final determination letter has been sent, see IRM 25.15.17, Reconsiderations, for more information.

25.15.18.5.6.2

(03-20-2019)

Rework Case Review

- (1) The Financial Technician will review all documentation to determine if the information will change the previous determination.
- (2) The Financial Technician will take the following actions:

If...	Then...
Changing the prior determination.	<p>a. Prepare amended work papers.</p> <p>b. Update activity record with all actions taken.</p> <p>c. Send revised preliminary determination letters to the RS, NRS, and POA, if applicable.</p> <p>Note: Ensure appeal rights are provided based on the revised determination. See IRM 25.15.18.5.2.13, Fully Allowed Requests, IRM 25.15.18.5.2.14, Partially Allowed Relief, and IRM 25.15.18.5.2.15, Relief Disallowed, for more information.</p> <p>d. Update TXMOD control to "02XXX00030" with purge date and determination.</p> <p>e. Update ISTS and ISTSR Input Record to Stage 25 with "ADDI" or other appropriate activity code and date one day earlier than the new Stage 11 date.</p> <p>f. Update ISTS and ISTSR Input Record to Stage 11 with the new determination. See IRM 25.15.14.4.1.11, Stage 11 - Preliminary Determination Issued, for more information.</p> <p>g. Input the new 30 day purge date.</p>

If...	Then...
Not changing the prior determination,	<p>a. Notate on activity record, “received additional information, no change in determination”, or something similar.</p> <p>b. Update work papers to include documentation received and why the determination was not changed.</p> <p>c. If an appeal has been requested, see IRM 25.15.18.5.4 , Stage 07 - Appeals, for more information.</p> <p>d. If appeal rights were not requested and have not expired, send Letter 2645-C, Interim Letter, or Letter 2645 (C-SP), Interim Letter (Spanish). Use the open paragraph to advise RS/ NRS that the determination has not changed and provide the last date to request an appeal.</p> <p>e. If appeal rights were not requested and have expired, send final determination letter.</p> <p>f. Update ISTS:</p> <ul style="list-style-type: none"> • Input a comment on ISTS - No Change in Determination. • Input Stage 25 (ADDI) one day prior to Stage 11. • Input Stage 11 (use the previous Stage 11 date) & purge date. • Delete Stage 10. • Update TXMOD back to original purge date. <p>g. Refile on 30 day wall.</p> <p>Note: If purge date has passed, then take case to Clerical Support to issue final determination letter.</p>

25.15.18.6
(07-11-2016)
Clerical Support

- (1) Clerical Support is responsible for the following:
 - a. Researching all new receipts, and
 - b. Purging stages 04, 11, and 12, and
 - c. Some account processing.

25.15.18.6.1
(02-06-2017)
New Receipts

- (1) CCISO may receive a Form 1040, U.S. Individual Income Tax Return, or Form 1040-X, Amended U.S. Individual Income Tax Return, original or copy.

If...	Then...
Form 1040 or Form 1040-X has a DLN.	This indicates the Form 1040 or Form 1040-X is a copy of a previously filed document. Check ISTS for existing claim. <ol style="list-style-type: none">a. If found on ISTS, associate.b. If not found on ISTS, send to Files by attaching Form 10023-B, Attachment (To Be Associated With Return).c. Place in appropriate receptacle.
Form 1040 or Form 1040-X does not have a DLN.	This indicates the Form 1040 or Form 1040-X could be an original filing. <ol style="list-style-type: none">a. Could be an original.b. Take to a Lead.c. Lead will provide instructions.

25.15.18.6.2
(07-11-2016)
Clerical Research

- (1) Clerical Support is responsible for researching correspondence, forms, or other mail to determine if the documents should be associated with an innocent spouse case or referred to another area of the Service.

25.15.18.6.3
(07-11-2016)
Miscellaneous Correspondence

- (1) Correspondence with a missing SSN.

If...	Then...
Correspondence has no identification.	<ol style="list-style-type: none">a. Research IDRS using CC NAMES to locate and associate with claim.b. If unable to locate claim or ISTS record, then place in appropriate receptacle.

If...	Then...
Any correspondence without Form 8857 from taxpayer requesting "Innocent Spouse Relief" and no ISTS or TXMOD controls present.	Will be treated as a new claim and batched for First Read. See IRM 25.15.18.5.1, Stages 01 - 04, First Read, for more information.
All other correspondence related to innocent spouse.	Research ISTS to associate.

25.15.18.6.4
(07-11-2016)

Form 2848, Power of Attorney and Declaration of Representative and Form 8821, Tax Information Authorization

- (1) If a specific team has an open control, route to that team.
 - (2) If open suspense, efax Form 2848 or Form 8821 to Centralized Authorization File (CAF) unit and associate with claim.
- Note:** Information for CAF can be found at SERP, WHO/WHERE, CAF CONTACTS. See <http://serp.enterprise.irs.gov/serphome/who.html>, for more information. The CAF unit can be determined based on the address provided by the taxpayer.
- (3) Check ISTS for status of case and associate.

25.15.18.6.5
(07-11-2016)

Form 4442, Inquiry Referral

- (1) Research the correspondence attached to Form 4442.
- (2) Research IDRS to locate and associate with the claim. If unable to locate, give to the Lead Technician.
- (3) Any correspondence without Form 8857 from the taxpayer requesting innocent spouse relief, and no ISTS or TXMOD controls present on IDRS, will be treated as a new claim and batched in First Read.
- (4) All other correspondence related to innocent spouse needs to be researched on IDRS and associated with the case.

25.15.18.6.6
(07-11-2016)

Form 12508, Questionnaire for Non-Requesting Spouse

- (1) If Form 12508 is received, research ISTS to locate claim disposition and associate with claim.
- (2) If claim is not located, give Form 12508 to the Lead Technician.

25.15.18.6.7
(02-06-2017)

Form 12509, Innocent Spouse Statement of Disagreement

- (1) Retrieve the Form 12509 daily from the receptacle by the mail desk.
- (2) Pull up ISTS for each Form 12509 and if the account is in Stage 11, update to Stage 10.
- (3) The Stage 10 date will be the IRS received date of Form 12509.

Note: Do not use the innocent spouse claim received date.

- (4) The activity will be "rework", and the comment will be "F-12509". Add comment to indicate RS or NRS.

- (5) Update Integrated Data Retrieval System (IDRS) control with the activity "F-12509" and update the TXMOD control to "02XXX000010" (where XXX equals the team it is currently assigned to on IDRS).
- (6) If the account is already in Stage 12, then update ISTS with a history item "F-12509 RECD" and the IRS received date.
- (7) Pull the case file from the wall, associate Form 12509, and place case file in the appropriate team's receptacle.
- (8) If the technician cannot find the case file, put a history item on ISTS "Unable to find case" and place the Form 12509 in the appropriate team's receptacle.

Note: Check for **multiple** years and update all pertinent years.

25.15.18.7
(07-11-2016)
Clerical Procedures

- (1) This section provides procedures for the Clerical staff to process innocent spouse cases in various stages.

25.15.18.7.1
(07-11-2016)
Maintaining Suspense Walls - Filing for Stages 04, 11, and 12

- (1) Cases are suspended to allow the taxpayer time to respond to:
 - Requests for information, or
 - Reply to a determination, or
 - Request an appeals conference, or
 - Petition tax court.
- (2) All suspense files in Stages 04, 11, and 12 are filed by purge date, then SSN order.

Note: The primary SSN on a joint account is normally used for filing purposes on the Suspense Wall.

25.15.18.7.2
(07-11-2016)
Purging Inventory - Stage 04 Suspense

- (1) Stage 04 is the suspense stage used while waiting for response from RS, NRS, or documents from Files.
- (2) Once all documents and taxpayer responses have been received, or 45 days have elapsed, the case is ready to be purged from First Read inventory, and forwarded to Full Scope (Stage 05) for a determination.

25.15.18.7.3
(02-06-2017)
Purge Stage 04/06 to Stage 05

- (1) Physically pull the cases from the Stage 04/06 wall that need updating.
- (2) Sort out CDP, Litigation and -A freeze cases and Stage 06 forgeries and set aside.
- (3) Using the primary SSN, update remaining cases to Stage 05 on ISTS as follows:
 - a. Put "05" in the Stage field, to update claim to Stage 05.
 - b. Put "ASSIGN" in the Activity field.
 - c. Put "100" in the Unit field (page up).
 - d. Using CC ACTON, update the appropriate innocent spouse control on the Primary MFT 30 TXMOD for the claim year(s). The base activity should be updated with the interim date and the module re-controlled to 0297955555. For more information, see the note below.

- e. Document all actions taken.
- f. Update ISTSR Input Record to Stage 05 with current date and initial.

Note: Modules may have more than one open control. If more than one open control, update the control that reflects “mirroring” and control number “0297899999”. It will also have “INSS” or “INSP” on the category (CAT) column. The interim date comes from the front of the ISTSR sheet in the clerical instructions. Example: C#,INT010116

- (4) The following cases are prioritized to be routed directly to the Technical Financial Adviser.

- Litigation
- CDP
- Forgeries
- -A freeze cases for review
- Any received dates older than the date in the Stage 05 inventory being pulled by management (before referral these get updated same as above).

Note: For Litigation and CDP cases on ISTSR update as above by updating to Stage 05 and changing the unit number to 100, but on the TXMOD control, leave the CDP or LITIGATION in the activity field, or put it on if it is not there with the control number 0297955555.

- (5) If there is a “TECH” sheet attached to the case file or the case is Forgery or -A freeze:

- Instead of “ASSIGN” use case type: such as FORGERY, -A FREEZE, or TECH. Cases stay in Stage 06 and get updated on TXMOD to 0297700005 with interim date from folder.
- Update the Unit number on ISTSR to “200” instead of “100”.
- Put the case in the appropriate receptacle.

Note: If “Admin Large Doc” or “Box” is indicated on the front of the case file, or noted on ISTSR, indicating admin file, the Financial Technician will retrieve the documents once it is assigned.

25.15.18.7.4
(07-11-2016)
**Stage 11 Suspense to
Stage 12 Using
Generalized IDRS
Interface (GII) System**

- (1) GII is an automated process to update ISTS and TXMOD, and issue final determination letters for all innocent spouse cases that need purging from Stage 11 to Stage 12.
- a. A report is generated of the cases to run through GII to update them from Stage 11 to Stage 12.
 - b. Pull all folders/cases off of the Stage 11 wall that are included in the GII run (it will be specific purge dates).
- Note:** Cases with CDP issues are excluded from the GII run. See IRM 25.15.18.7.6, CDP Cases - Transfer to Appeals, for actions to take on CDP issues.
- c. Load the GII report in the proper format to the proper electronic GII folder.
 - d. Run GII as instructed.

Note: If there are any issues with the running of GII, or getting required reports from GII, contact management for resolution.

Note: Ensure cases are in SSN order to aid with associating letters.

- e. Associate all the letter prints and update the activity record with the date the letter was issued.

Note: Any GII rejects will need to be completed manually by following IRM 25.15.18.7.5, Manual Process for Stage 11 to Stage 12.

- f. Set all fully allowed cases aside for additional closing actions. See IRM 25.15.18.7.7, Fully Allowed Determination Cases - Stage 11 to Stage 12, for more information.
- g. File remaining cases in Stage 12 suspense by purge date.

Note: Stage 11 suspense is normally 45 days from the date the preliminary determination letter is mailed.

25.15.18.7.5
(03-20-2019)
**Manual Process for
Stage 11 to Stage 12**

- (1) Prepare and send the final letters to the RS/POA and to the NRS/POA using proper paragraphs.
- (2) Print Request Completed page.
- (3) Update ISTS to Stage 12.
- (4) Manually update the TXMOD control.
- (5) Document activity record and ISTSR Input Record.
- (6) File case by purge date in Stage 12 inventory.

25.15.18.7.6
(02-06-2017)
**CDP Cases - Transfer to
Appeals**

- (1) Complete the following steps on CDP cases and transfer the case to Appeals as follows:
 - a. Purge the case and give to appropriate lead for review.
 - b. **DO NOT** issue the final determination letter.
 - c. Using CC ESTAB, recharge documents to the Cincinnati Campus Appeals Office.
 - d. Complete Form 3210, Document Transmittal. Keep two copies with the case and retain one copy for the team.
- Note:** Always use the primary TIN on Form 3210.
- e. Update ISTS and ISTSR Input Record accordingly.
 - f. Close IDRS control base.
 - g. Send the case to Appeals (APS), Mail Stop 29F.

25.15.18.7.7
(02-06-2017)
**Fully Allowed
Determination Cases -
Stage 11 to Stage 12**

- (1) The clerical procedures for fully allowed determination cases are shown in the table as follows:

If...	Then...
Mirrored - Fully Allowed with Refund Due. Note: GII will issue determination letter to RS and NRS, if applicable, update ISTS to Stage 12 and TXMOD.	a. Forward ISO-AR to First Read if there is a credit transfer or to processing for a manual refund. b. Update IDRS control to appropriate team. c. Update ISTS to Stage 27 and to the appropriate team.
Not Mirrored - Fully Allowed with Refund.	a. Update ISTS to Stage 27 and identify processing team. b. Update IDRS to processing team. c. Place in appropriate folder. d. Send entire case to processing.
Mirrored - Fully Allowed with No Refund Due.	a. See IRM 25.15.9, <i>Account Processing of Requests for Relief from Joint and Several Liability</i> , for more information.
Not Mirrored - Fully Allowed with No Refund Due.	a. Update ISTS to Stage 27 and identify processing team. b. Update IDRS control to processing team. c. Send entire case to processing team.

Note: Before case is sent to processing, check for ISO-AR in case file, if needed. If needed and not present, return to Financial Technician.

25.15.18.7.8
(03-20-2019)

Purging Cases from Stage 12

- (1) Stage 12 is purged using the purge date. The purge date is 106 days from the Stage 12 date.
 - a. Pull all folder/cases off of the Stage 12 wall.
- (2) Sort by case type as follows:
 - a. Relief Disallowed - most can be closed through Generalized IDRS Interface (GII) programmed to generate closing transactions; cases rejected by GII must be closed manually by clerical support.
 - b. Partially Allowed Relief - closed to processing.

Note: In multiple year cases, separate Partial Relief years from other years.

- (3) See IRM 25.15.9, *Account Processing of Requests for Relief from Joint and Several Liability*, for closing instructions.

25.15.18.8
(07-11-2016)
Technical Support

- (1) Financial Specialists are responsible for the following:
 - Responding timely to technical questions,
 - Working Community Property cases,
 - TEFRA cases,
 - Invalid joint elections,
 - Unlawful returns, and
 - All other issues that arise due to a filing of an innocent spouse claim.

25.15.18.8.1
(07-11-2016)
Community Property

- (1) The Technical Unit has two different work flows for Community Property cases.
 - Cases involving IRC 66(c) requests.
 - The Financial Specialist determines the refund available to the RS using Community Property rules. This occurs when offsets available for refund are on the joint account from a Community Property year and relief is allowed in full or in part.

Note: These are normally technical referrals from Full Scope.

25.15.18.8.1.1
(07-11-2016)
Community Property Under IRC 66(c)

- (1) Cases are assigned by management.
- (2) Screen the case to ensure it meets criteria for relief.

Note: Cases that do not meet the criteria for relief are non-qualifying. See IRM 25.15.18.8.1.2, Non-Qualifying Claims, for more information.
- (3) Ensure all information is included in the file which consists of the following:
 - Returns.
 - Research.
 - All information from taxpayer.

Note: Correspond with the taxpayer, if additional information is needed.

Note: The Financial Specialist has the option to contact the RS/NRS via phone or limit the response time, if a letter is mailed.
- (4) Tools available include the following:
 - Pre-plan evaluation to determine needs,
 - Community Property work papers,
 - Allocation Tool,
 - Accurant,
 - IDRS Research, and
 - Internet or IRS Intranet.
- (5) Suspend case up to 45 days, if letter requesting additional information is sent.
- (6) Once all documentation is available to make a determination, see IRM 25.15.5, Relief From Community Property Laws, for more information.
- (7) Prepare and send Letter 3663-C, Requesting Spouse Determination Letter, Section 66(C).
- (8) Update ISTS to Stage 11 with a 30-day purge date.

- (9) Update IDRS controls, as appropriate.
- (10) Document case activity record of all actions taken.
- (11) Place case in appropriate receptacle.

Note: Final determination Letter 3664-C, Requesting Spouse Final Determination Letter Section 66(C), for RS will be prepared and sent upon closing case.

25.15.18.8.1.2
(07-11-2016)

Non-Qualifying Claims

- (1) A claim is non-qualifying when:
 - The claimant files a return reflecting their income only, and
 - Does not have any community income from the NRS on the filed return, and
 - Does not have any subsequent assessments that include community income from the NRS.
- (2) Prepare and send Letter 3666-C, Unprocessable/Transferred Claim Letter, with appropriate explanation to the RS.
- (3) Send the NRS the appropriate letter, if the initial contact letter was sent.
- (4) Update ISTS to Stage 29 with activity "FS", and add comment, if needed.
- (5) Update TXMOD control as appropriate.
- (6) Document case file activity record.
- (7) Add conclusion to AMS general information.
- (8) Place in appropriate receptacle.

25.15.18.8.1.3
(07-11-2016)

Technical Referrals

- (1) Technical referrals are questions or situations for which a technician may need assistance. Examples include:
 - Complex tax law questions.
 - Questionable payments.
 - Joint offsets.
 - Allocation issues.
 - Cases that are beyond the scope of the Financial Technician's ability (should be rare).
 - Account problems.
 - Statute issues.
 - Erroneous refunds.
 - TEFRA, Tax Equity and Fiscal Responsibility Act.
 - Tax benefit received by the claimant.

Example: Losses from partnership returns may have offset RS income on the original filed return.

 - Any other issues that the Financial Technician or First Read Technician cannot resolve. See Exhibit 25.15.18-5, Other Technical Referrals, for more information.
- (2) The technician will pose the question on the Innocent Spouse Technical Referral Form.

- (3) The Lead Technician for the team must review the case to resolve or ensure all information needed is in the file.
- (4) The Lead Technician will initial the request for technical assistance.

Note: The Lead Technician should resolve, if capable.

- (5) The Financial Specialist will complete the following actions:
 - a. Respond fully to the question(s) asked.
 - b. Questions will be worked within 5 business days.
 - c. Account issue resolution will be started within 5 business days, but may take extended time to resolve.

Note: Management will monitor progress, if needed.

25.15.18.8.2
(03-20-2019)
**Forgery, Invalid,
Unlawful Returns**

- (1) For information on cases involving forgery, invalid and unlawful returns, see the following:
 - a. IRM 25.15.19, Non-Qualifying Requests for Relief and Complex Account Issues, for more information.
- (2) If the return is valid, send case to First Read to continue processing the innocent spouse request.
- (3) Update IDRS to the appropriate controls.
- (4) If joint return is not valid, then follow non-qualifying procedures and correct account per IRM 25.15.19, Non-Qualifying Requests for Relief and Complex Account Issues.
- (5) If the Financial Technician determines forgery does apply, then complete the following actions:

Note: When processing the claim for forgery, and it is determined the RS is the person who forged the return in question, send Letter 4988-C, Requesting Spouse Preliminary Determination Letter on Disallowed Innocent Spouse Claims, to the RS with an open paragraph stating “we determined the person with whom you filed the joint return with did not agree to the joint filing”. Appeal rights must be given to the RS. Adjust the account as applicable for one or both taxpayers. Send Letter 3323-C, Non-Requesting Spouse Final Notice, to the NRS after the RS’ appeal rights expire.

Note: In general, if any adjustments will result in a tax liability from the claim being filed, appeal rights will need to be given.

Note: The taxpayer claiming forgery may not be the RS. In this case, address both the forgery issue and the request for innocent spouse relief.

- a. Recompute the tax return(s) for taxpayers who actually signed, filed the return, or states a possible forgery issue. See Pub 17, Your Federal Income Tax (For Individuals), to determine the correct filing status, exemptions, tax credits, etc. Any items removed, such as dependent exemption, must be documented and based on tax law. If the RS has a

filing requirement, advise the RS to file their return. However, if the account is mirrored, adjust the RS MFT 31 account accordingly.

- b. If a tax increase is required, consider referral to Examination. A tax increase cannot occur without going through Statutory Notice of Deficiency procedures. See IRM 25.15.19.3.3.3, Joint Election is Invalid, for more information.

Note: Adjusting the withholding does not require a Statutory Notice of Deficiency.

- c. If the case is being referred to Examination and the RS is the secondary taxpayer, correct the filing status, and send Letter 3657-C, No Consideration Innocent Spouse, to the RS.

25.15.18.9
(07-11-2016)

Shared Procedures

- (1) This section covers procedures that are used by more than one CCISO function.

25.15.18.9.1
(07-11-2016)

Discovered Remittances

- (1) When a remittance (unprocessed check from taxpayer) is found, give to management for processing.

25.15.18.9.2
(02-06-2017)

Phones

- (1) Employees are responsible for providing the best possible service to all taxpayers based on their function within CCISO. Contact with taxpayers should instill confidence in the integrity and efficiency of the IRS by providing top quality customer service. The two types of incoming calls received by CCISO are as follows:

- First Read Cold Calls, and
- Full Scope Extension Routed Calls

- (2) The key points for every call are as follows:

- Maintain professional courtesy.
- Control the direction of the contact.
- Give accurate and complete assistance based on the technician's job duties within CCISO.
- Pull IDRS research, if necessary.
- Resolve the taxpayer's issue, to the extent possible.
- Do not use IRS jargon.
- Do not address questions unrelated to innocent spouse and forward the call as appropriate. See IRM 25.15.18.9.2.10, Calls Unrelated to Innocent Spouse, for more information.
- Take high regard to Taxpayer Authentication. See IRM 25.15.18.9.2.2, Taxpayer Authentication, for more information.
- Address taxpayer call backs within 3 business days.
- Provide an explanation when placing a caller on hold.

Note: Thank the caller for their patience if on hold longer than five minutes.

- Ask the caller if there are any additional questions.

Note: All "Toll Free" incoming calls are recorded. If the caller does not wish to be recorded, the technician can disable the recording by stopping it from a desktop icon. If the caller requests to record the conversation, the caller is prohibited

from doing so. The caller may be able to request a copy of the conversation through the Freedom of Information Act (FOIA).

25.15.18.9.2.1
(03-20-2019)

Communication Skills

(1) Answering the phone call.

- a. Greet the caller by saying "Internal Revenue Service", "Innocent Spouse Department", or similar statement.
- b. Provide your Title (Mr., Mrs., Ms., Miss), your last name, and IRS Identification (ID) Number (7 or 10 digits).
- c. Use a lead-in question. Examples include: "How can I help you?" or "How may I help you?".

Note: If the caller asks specific questions related to their claim, and the technician needs to access the account, the technician must complete Taxpayer Authentication. See IRM 25.15.18.9.2.2, Taxpayer Authentication, for more information.

(2) Listen attentively to the caller.

- a. Ask the appropriate questions and target the caller's questions.
- b. Take note of the technician's tone and the caller's tone, voice inflection, and rate of speech.
- c. Be aware of special issues concerning the following:
 - Taxpayer Advocate Service (TAS). If the caller states they have a hardship or needs immediate help because of disconnect notices, give TAS phone number. See IRM 25.15.18.9.2.10, Calls Unrelated to Innocent Spouse, for more information.
 - Criminal Investigation Z freezes on the account. Refer call to appropriate CCISO Criminal Investigation contact. See IRM 25.15.18.5.1.9, Criminal Investigation (CI) Cases.
 - Identity Theft (IDT), See IRM 25.15.18.9.2.7, Identity Theft (IDT), for more information.
 - Emergency situations including suicide, assaults/threats and bomb threats. See IRM 25.15.18.9.2.9, Emergency Situations, for more information.
 - Victim of Domestic Violence (VODV). See IRM 25.15.18.9.2.6, Victim of Domestic Violence (VODV), for more information.

(3) Provide accurate call assistance for:

- First Read Cold Calls. See IRM 25.15.18.9.2.3, First Read Cold Calls, for more information.
- Full Scope Extension Routed Calls. See IRM 25.15.18.9.2.4, Full Scope Extension Routed Calls, for more information.
- Outgoing Calls. See IRM 25.15.18.9.2.5, Outgoing Calls, for more information.

(4) Conclude the call:

- a. Ask the taxpayer, "Do you have any additional questions?", or like statement.
- b. Apologize, if the Service made an error.

- c. If issues unrelated to innocent spouse are mentioned during the call, provide the taxpayer with the appropriate phone number and/or transfer the call to the appropriate area. See IRM 25.15.18.9.2.10, Calls Unrelated to Innocent Spouse, for more information.
- d. Conclude the call courteously.

25.15.18.9.2.2
(03-20-2019)

Taxpayer Authentication

- (1) To identify who is calling and prevent unauthorized disclosure of tax information, the technician must know with whom they are speaking and the purpose of the call.

Caution: Inadequate authentication of the identity of the caller could result in "unauthorized disclosure".

- (2) Required authentication probes:

- a. Taxpayer Identification Number (TIN). Examples include: SSN, Individual Tax Identification Number (ITIN).
- b. Name. As it appears on the tax return for the year(s) in question, including the spouse name on a joint filed return. If the name is different, ask if the caller filed under a different name.

Note: If the caller cannot provide the above information, advise them to call back once they have secured the return information. If the caller is a POA follow Third Party Authentication procedures in IRM 21.1.3.3, ThirdParty(POA/TIA/F706) Authentication, and look in AMS for documentation of representation.

- c. Current Address. The technician may need to probe further if the given address is different from the address on record. The technician can ask for a prior address of record or use return information, if needed.
- d. Date of Birth (DOB). If the caller does not verify the DOB, but verifies all prior information, the technician may need to use additional taxpayer authentication probes. After using the additional taxpayer authentication probes, and the caller has verified the information, the technician can suggest that the caller contact the Social Security Administration (SSA) to correct the error.
- e. Phone number. Ask the caller for a current phone number and ask if it is a home, work, or cell number. Adding the phone number may be completed through CC ENMOD or AMS.

Note: If the caller is a first time filer and the return is not yet processed fully, the technician can use CC FFINQ to verify the Name Control, amount of refund and filing status. The technician can use CC INOLE to verify the DOB.

- (3) Additional authentication probes:

Note: Must verify two or more of these stated below.

- Filing status on the return in question.
- Spouse's DOB.
- Children name(s) on return.
- Income amount claimed on filed return.
- W-2 employers information.
- Number of exemptions claimed on return.

- Preparer information, if applicable.
- Any other verifiable information from the return or account.

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25.15.18.9.2.3

(07-11-2016)

First Read Cold Calls

- (1) This section is primarily used to answer calls concerning general information on innocent spouse claims.

Note: If the IDRS system is down during a phone call, explain that the system is down, and the caller can either leave their information for a call back, or call back at a later time.

- (2) Generally, there are two types of calls received on the cold call line from a taxpayer or Power of Attorney (POA) requesting.

- a. How to file a claim.
- b. The status of a filed claim.

Note: If the technician has to access the account, it is mandatory to use Taxpayer Authentication or Third Party Authentication. See IRM 25.15.18.9.2.2, Taxpayer Authentication, for more information.

- (3) If the caller wants to know how to file a claim, refer them to <https://www.irs.gov/>, IRS Homepage. Explain they can find the Form 8857, Form 8857 instructions, and Pub 971, Innocent Spouse Relief, that explains the process.

- a. The technician can remind the caller they must sign Form 8857, specifying the tax years they want relief of, and completing the questions on the form.
- b. The technician can explain the IRS will contact the other spouse on the joint filed return.

Note: If the caller states they are in fear due to domestic violence, see IRM 25.15.18.9.2.6 , Victim of Domestic Violence (VODV), for more information.

- c. The technician can explain the IRS puts a collection hold on the account, if they are eligible for further review, as follows:

- Taxpayer should be referred to Collections for information about an installment agreement.
- If a levy has been issued, a request to release the levy will be submitted. The taxpayer needs to provide employer's name, employer's address, phone, and fax number of the contact person, or related asset information (i.e. bank account). This information will be given to the Lead to be forwarded to the appropriate person.

Note: If the caller is filing for a reconsideration, the technician does **NOT** input another collection hold.

- (4) If a caller is calling to check the status of the claim:

- a. Use the appropriate taxpayer authentication. See IRM 25.15.18.9.2.2, Taxpayer Authentication, for more information.
- b. Research ISTS to find the current status of the claim and provide to the caller the following:

- If claim is built, but no determination made, explain that the claim has not been worked yet.
- If a determination has been made, state the determination to the caller and provide the technician's name and extension for further information about the determination.
- If the claim was non-qualified, explain the reason.
- If the taxpayer requests a transfer, then transfer to the CCISO technician who is working or has worked the case.

Note: Do not transfer a caller to another employee outside of CCISO.

- (5) Update the conversation on AMS using history note for all calls.

25.15.18.9.2.4
(07-11-2016)

**Full Scope Extension
Routed Calls**

- (1) These are dedicated phone lines for each Full Scope technician and are usually answered after a preliminary determination letter has been sent.

Note: Full Scope technicians may be needed to assist in certain situations on the First Read Cold Call line. Full Scope technicians, while assisting on the First Read Cold Call line, will only address questions based on the limited scope of First Read technicians. Do not go into Full Scope depth while assisting on the First Read Cold Call line. See *IRM 25.15.18.9.2.3, First Read Cold Calls*, for more information.

- (2) As a Full Scope technician, provide the following information during an extension routed call:
- a. Provide a complete answer regarding the determination made on the account.
 - b. Explain IRC 6015 (b), (c), and (f), as applicable.
 - c. Explain tacit consent and/or forgery issues, if applicable.
 - d. Explain installment agreement criteria based on the determination, if applicable.
 - e. Explain appeal time frames and tax court rights, if applicable.
 - f. Update the conversation on AMS using history note, for all calls when the account is accessed.

25.15.18.9.2.5
(07-11-2016)

Outgoing Calls

- (1) Follow Taxpayer Authentication when returning a call to the taxpayer or POA. See *IRM 25.15.18.9.2.2, Taxpayer Authentication*, for more information.
- (2) Update any information related to the case file or AMS history based on the details of the call.
- (3) Update ISTS with "PCRS" or "PCNRS" based on the recipient of the callback.

Note: Before leaving a message for a taxpayer on voice mail, the voice mail greeting must be a clear indication of the person the technician has attempted to call. If the voice mail greeting is general or only lists a phone number, the technician cannot leave a message or identify themselves as an IRS employee.

25.15.18.9.2.6
(03-20-2019)
**Victim of Domestic
Violence (VODV)**

- (1) The VODV indicator was created to alert employees to a caller's situation. This indicator does not verify that domestic violence has taken place. It is only used as an alert that domestic violence **could** be present.

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- (3) If the caller is in immediate danger, refer the caller to the following:
 - National Domestic Violence Hotline at 1-800-799-SAFE (7233), or
 - 1-800-787-3224 for TTY, or
 - 1-855-812-1001 for video phone (deaf callers only)

25.15.18.9.2.7
(07-11-2016)
Identity Theft (IDT)

- (1) For tax related IDT, review ENMOD for a current TC 971 AC 501-506 or 522-524. If not input, input TC 971 AC 522 "PNDCLM" based on the table below:

If...	Then...
<p>A caller disagrees with the understatement/underpayment, because they believe they are a victim of identity theft, but has not reported this to any authorities.</p>	<ol style="list-style-type: none"> 1. Inform the caller to respond to the notice or assessment by providing the documentation as stated in a) and b) below. 2. Instruct the caller to send the documentation to the department that has proposed an assessment or made the assessment on the account. 3. Assist the caller with reporting the identity theft to proper authorities by advising the caller to complete c), d), and e) below. <ol style="list-style-type: none"> a. Evidence of identity theft, Form 14039 Identity Theft Affidavit, or a police report. b. File a report with caller's local police. c. Refer to https://www.irs.gov/, IRS Homepage, (key words identity theft) for additional information. d. Notify the Federal Trade Commission (FTC) Identity Theft Hotline at 1-877-438-4338, or Identity Theft at http://www.consumer.gov/articles/1016-recovering-identity-theft#!what-to-do, Recovering from Identity Theft.
<p>A caller disagrees with the understatement/underpayment, because they believe they are a victim of identity theft, and they have informed FTC, credit bureaus, and police that they are the victim of identity theft.</p>	<p>Inform the caller to respond to the notice/area that is proposing to assess or has assessed the account, and when responding to provide the following items to show identity theft:</p> <ol style="list-style-type: none"> a. Evidence of identity theft. Form 14039, Identity Theft Affidavit, or a police report.

25.15.18.9.2.8
(07-11-2016)

Non-Tax Related Identity Theft

- (1) The FTC Identity Theft Hotline can be reached at 1-877-438-4338 or <https://www.ftc.gov/>, Federal Trade Commission. Taxpayers who need information on identity theft that is non-tax related should be referred to this number and/or website. They can also be referred to Pub 4535, Identity Theft Prevention and Victim Assistance.
- (2) Taxpayers experiencing non-tax related impact may call and ask that the IRS take action to protect their account information. Refer these taxpayers to the identity theft toll free number, 1-800-908-4490.

25.15.18.9.2.9
(03-20-2019)

Emergency Situations

- (1) Emergency situations include the following:
 - a. Suicide Threats. See IRM 25.15.18.9.2.9.1, Suicide Threats, for more information.
 - b. Assaults/Threats. See IRM 25.15.18.9.2.9.2, Assaults/Threats, for more information.
 - c. Bomb Threats. See IRM 25.15.18.9.2.9.3, Bomb Threats, for more information.
- (2) All physical security incidents and/or threats, including bomb threats, are reported to the Situational Awareness Management Center (SAMC). Refer to IRM 10.2.8, Incident Reporting, and see IRM Exhibit 10.2.8-1, Incidents To Be Reported to SAMC. Visit *Facilities Management and Security Services (FMSS) Incident Reporting* to learn more about SAMC.

25.15.18.9.2.9.1
(03-20-2019)

Suicide Threats

- (1) If a caller makes a suicide threat over the telephone, the technician should use this table as follows:

If...	Then...
A caller makes a suicide threat over the telephone.	<p>The technician will complete the following actions:</p> <ol style="list-style-type: none">1. Press the "EMERGENCY/Record" call button on the telephone set. This action records the call.2. Immediately contact a Manager to take the call (do not transfer or put caller on hold). Note: If a Manager is not available, send for a Lead, if he/she is acting as a Manager.3. Stay calm.4. Do not hang up or ignore the caller.5. Use judgment to try and determine if the caller is sincere.6. Ask the caller to clarify any vague statements they may have made.7. Keep the caller on the line if the threat seems valid.

If...	Then...
A caller makes a suicide threat over the telephone.	<p>The Manager/Lead will complete the following actions:</p> <ol style="list-style-type: none"> 1. Assume responsibility for the telephone call. 2. Ask the caller for the location (including phone number) from which he/she is calling. 3. If the caller complies, document the caller's address/location/phone number. 4. Use all means available at your site, including the telephone or internet access to gather the necessary information to contact the required local law enforcement or government suicide prevention authority. 5. Report the threat and the caller's location to the local authorities. When the Manager/Lead obtains a caller's address/location/phone number, the Manager/Lead can relay this information to local law enforcement authorities. This is not disclosure of return/account information. 6. When reporting a suicide threat to local law enforcement authorities, state only that the threat was made during a contact involving "official business". 7. Before ending the call, try to resolve the tax problem and calm the caller. <p>Note: If the caller refuses to give his/her location, a Manager/Lead can use IRS systems to obtain the name and address of the caller, in order to give the information to federal or state law enforcement officers, in situations involving life and health of an individual. This is considered an authorized IRC 6103 (i)(3)(B) disclosure of Federal Taxpayer Information to ONLY federal or state law enforcement officers.</p>

- (2) Visit the Governmental Liaison, Disclosure and Safeguards (GLDS) web page *Suicide Threat Resources* for procedures to follow when a taxpayer threatens suicide or when it is appropriate to contact the local Law Enforcement authority versus Federal or State Law Enforcement authorities.
- (3) For more information on suicide threat procedures, see:

IRM section	IRM section title
IRM 10.2.8	Incident Reporting
IRM 10.5.4.3.5	No Reporting Situations

IRM section	IRM section title
IRM 11.3.28.7.1	Suicide Threats
IRM 11.3.34.3	Expedited Procedures in Emergency Situations
IRM 21.1.3.12	Suicide Threats
IRM 25.4.2	Caution Upon Contact Taxpayer

25.15.18.9.2.9.2

(07-11-2016)

Assaults/Threats

- (1) Chances of being threatened or assaulted are always present when you perform IRS related activities, but may be more so when assisting taxpayers who owe taxes, and cannot, or do not want to pay them. See additional information in IRM 25.4.1, Potentially Dangerous Taxpayer, and IRM 25.4.2, Caution Upon Contact Taxpayer.
- (2) If a caller makes an assault/threat over the telephone, the technician should use this table as follows:

If...	Then...
A caller makes an assault/threat over the phone.	<p>The technician will complete the following actions:</p> <ol style="list-style-type: none"> 1. Press the “EMERGENCY/Record” call button on the telephone set. This action records the call. 2. Stay calm. 3. Avoid making confrontational statements to the caller. 4. Ask the caller to clarify vague statements. 5. Have someone else (preferably a Manager) listen to the call in order to corroborate statements made. 6. Do not remain on line if the caller is verbally abusive, whether a threat is made or not. Tell the caller that the call is being terminated and hang up. 7. Document the following information, if possible: <ol style="list-style-type: none"> a. Caller’s name. b. TIN. c. Origin of call, if possible. d. Statements made by the caller. e. Any other general information to aid the TIGTA investigation. 8. Research CC INOLE or CC ENMOD for taxpayer account data, if TIN is obtained from caller. Attach screen prints to any documentation. Provide all documentation to management to be sent to the nearest TIGTA office.

25.15.18.9.2.9.3
(07-11-2016)
Bomb Threats

- (1) If a caller makes a bomb threat over the telephone, the technician should use this table as follows:

If...	Then...
A caller makes a bomb /threat over the phone.	<p>The technician will complete the following actions:</p> <ol style="list-style-type: none"> 1. Press the "EMERGENCY/Record" call button on the telephone set. This action records the call. 2. Stay calm. 3. Keep caller on the line as long as possible. If possible, ask the caller to repeat message. 4. Complete and retain Form 9166, Bomb Threat Card. 5. Ask all the questions listed on Form 9166, when possible. 6. If the caller does not indicate location or time of possible detonation, ask for this information. Since calls are routed between different call sites, it is extremely important to try to ascertain the caller's physical location and which IRS facility (city, state, specific building/ floor, or function, etc.) is threatened. 7. Inform the caller that the building is occupied and detonation of bomb could result in serious injury or death to many innocent people. 8. Listen closely to the caller's voice (male/ female), voice quality (calm/excited), accents, and speech impediments. 9. Pay particular attention to background noises such as: motors running, music playing, and any other noise which may give a clue to caller's location. <p>Note: Do NOT hang up after the caller is off the line. (This assists in tracing the call.) EXCEPTION: Some phone systems operate to auto populate the next call after the caller is off the line.</p> <p>Note: It is the responsibility of management to immediately report a bomb threat to your nearest FMSS Office as well as TIGTA.</p> <ol style="list-style-type: none"> 10. Remain available. FMSS and TIGTA may interview you. In your reports to FMSS and TIGTA provide both daytime and after hours telephone numbers.

25.15.18.9.2.10
(07-11-2016)

**Calls Unrelated to
Innocent Spouse**

(1) Calls unrelated to innocent spouse can be transferred to one of the following:

- Customer Service.
- Accounts Management.
- Refund Hotline.
- Taxpayer Advocate Service (TAS).
- Appeals.

25.15 Relief from Joint and Several Liability

Note: Refer a caller to *www.IRS.gov*, IRS Homepage, prior to giving out phone numbers or transferring a call.

Note: See the table below for a listing of transfer numbers.

Issue	Transfer Number
a. Account Issues. b. Injured Spouse. c. Installment Agreements. d. Tax Law.	a. Phone Number - 1-800-829-1040 b. Transfer Number: <ul style="list-style-type: none"> English - 92020 Spanish - 92021
Balance Due	a. Refer caller to the phone number on the letter they received, and b. Suggest they can make a payment on https://www.irs.gov/ , IRS Homepage, with multiple options.
Refunds	a. Refund Hotline 1-800-829-1954.
TAS	a. TAS 1-877-777-4778.
AUR/Examination	a. Refer caller to the letter they received.
Domestic Violence Hotline	a. See IRM 25.15.18.9.2.6, Victim of Domestic Violence (VODV), for phone numbers.
International Issues	a. Philadelphia Campus 1-267-941-1000.
Appeals	a. If a taxpayer calls in regards to their account and the case has been sent to Appeals, explain it could take up to 90 days before the taxpayer is contacted by Appeals. b. If over 90 days, provide the taxpayer the Fresno Appeals Resolution Specialist number, 559-233-1267.

25.15.18.9.3 (07-11-2016) Undelivered Mail

(1) When undeliverable letters are returned, ISTS will be updated with the following:

- A history comment stating what letter was returned, and
- If a new address was found or not found, and
- If a letter was resent. (i.e. 3284C RET UNDE).

Note: If resending the letter, hand write the new date on the letter, detach the original envelope from the letter and associate with the claim.

- (2) When an undeliverable letter is returned with a typed address on a United States Postal Service (USPS) yellow sticker, determine if the address on the USPS yellow sticker is more current than the address on ENMOD. If the USPS sticker is more current:
 - a. **DO NOT** update ENMOD to the address on the USPS sticker.
 - b. If a letter is still needed, send the letter to the new address and include a Form 8822, Change of Address.
- (3) If there is no USPS yellow address sticker with a new address, complete the following actions:
 - a. Research IDRS using CC ENMOD and/or CC INOLE for a new address.
 - b. If a new address is found and the letter is still needed, send letter to the new address with the current date.
- (4) If a new address is not located and/or the letter is not needed, complete the following actions:
 - a. If the claim is open, then print ISTS and staple to letter to associate with claim.
 - b. If the claim is closed, associate letter with TC 290 input.

25.15.18.9.4
(07-11-2016)
**Integrated Automation
Technologies (IAT)**

- (1) CCISO employees are required to use the available IAT tools whenever possible. The IAT tools simplify taxpayer account processing by assisting the user with IDRS research and input. IAT tools are desktop productivity enhancing tools. The required use of IAT tools applies to all telephone and inventory work. For more information on each IAT tool, see the IAT website in Paragraph (3) below.

Exception: CCISO employees are not required to utilize IAT, if another IRS automated tool is more appropriate. Examples include: issuing letters through the GII process or utilizing the innocent spouse First Read program in AMS. Some IAT tools are not mandated to be used, but are highly suggested. See the tables in Paragraph (4) below for mandated and suggested IAT tools.

- (2) If an IAT tool is not available, or a CCISO employee has a problem with the IAT Task Manager, the case should be processed through IDRS following established procedures. CCISO employees should report any issues with the IAT Task Manager to management.
- (3) IAT tool users can visit the IAT Website at <http://iat.web.irs.gov/>, IAT - Integrated Automation Technologies, where the user can sign up to become a subscriber to the IAT newsletter. The "iNews" details all ongoing IAT activity with tool retirements and rollouts.
- (4) Below is a list of IAT tools that can be utilized by CCISO employees. This list may not be all inclusive.

Mandated IAT Tools	Description
Credit Transfer	Automates the transfer of credits from one module to another.

Mandated IAT Tools	Description
Letters	Allows the user to send any "C" Letter listed in the correspondex index.

Suggested IAT Tools	Description
ACTON	<ul style="list-style-type: none"> a. Opens or closes a control base. b. Input histories on multiple accounts. c. MFREQ an account not on IDRS. d. Allow users to personalize and save particular features for future use.
Address	Allows users to input address changes.
Compliance Suite	<p>Researches for the following:</p> <ul style="list-style-type: none"> a. Entity. b. Balance due. c. Return delinquency. d. Levy sources. e. Account conditions. f. Case control and assignment. g. Failure to Deposit (FTD) and Estimated Tax (ES) payment compliance. h. Current installment agreement information. i. Centralized Authorization File (CAF) information. j. Reporting Agents File (RAF) information. k. Provides completion of Form 4442, Inquiry Referral. l. Assists with the routing to other sites with completion of various routing forms and Letter 86-C, Referring Taxpayer Inquiry/Forms to Another Office.
Condensed Income Transcript	Condenses IRPTR income onto a transcript.

Suggested IAT Tools	Description
Disclosure	<ul style="list-style-type: none"> a. Assists with completing disclosure process on incoming taxpayer calls. b. Helps to ensure authorized parties speaking before releasing sensitive information.
Erroneous Manual Refund Tool (EMT) -Case Monitor	Monitors accounts on IDRS for specific conditions that could cause a potential erroneous refund.
Erroneous Refund	<ul style="list-style-type: none"> a. Assists in the recovery of erroneous refunds. b. Automates the processes related to Category D (Cat D) erroneous refund processing as outlined in IRM 21.4, Refund Inquiries.
ESTAB	Use the ESTAB tool to order returns.
Fill Forms	Automates and assists with the generation of various IRS forms.
Managers Security Tool	Assists management, unit security representatives, and leads in performing security command codes in regard to employee profiles, terminals or quality review.
Manual Refund	<ul style="list-style-type: none"> a. Researches the account for duplicate erroneous refund conditions and accounting accept/reject conditions. b. It can fill Form 5792, Requests for IDRS Generated Refund (IGR), or Form 3753, Manual Refund Posting Voucher.
Missing Refund	<ul style="list-style-type: none"> a. Assists users with resolving missing refunds. b. Inputs CC CHKCL or generates completed Form 3911, Taxpayer Statement Regarding Refund.

Suggested IAT Tools	Description
Mixed Scrambled Entity	<ul style="list-style-type: none"> a. Performs initial research on mixed entity and scrambled social security number cases. b. Assists in determining valid TIN to the correct taxpayer.
New Name Search	Allows users to search National Account Profile (NAP) for Business Master File (BMF) and Individual Master File (IMF) numbers.
Payment Tracer	Finds a payment on related accounts.
Phone Number	Assists users with researching, updating, and deleting phone numbers on taxpayer accounts in IDRS.
Quick CC Tool	Allows command code navigation on IDRS.
Reissue Refund	<ul style="list-style-type: none"> a. Assists users with resolving undeliverable refund checks. b. Updates entity and releases S- Freeze (TC 740) conditions.
Result	<ul style="list-style-type: none"> a. Combines the Legacy Screens into one tool. b. The Legacy Refund, Balance Due, Injured Spouse, and Paper Research Screens were developed to allow technicians to quickly obtain information from several IDRS command codes. c. These pieces of specific information are displayed onto research screens.
Search 6209	<p>Links directly to the Document 6209, IRS Processing Codes and Information, Code retriever for:</p> <ul style="list-style-type: none"> a. Transaction codes. b. Freeze codes. c. TC 971 action codes. d. Unpostable codes. e. IMF math error codes.

Suggested IAT Tools	Description
Stop Refund	Assists users with the determination and input of stop refund (NOREF) actions.
Unifax	<ol style="list-style-type: none"> Completes the fax cover sheet. Ability to look up EGC and PBC contacts for the Examination area.
UPTIN Histories	Allows user to add, update, or delete unpostable history items.

25.15.18.9.5
(02-06-2017)

Addressing Letters to Taxpayers

- (1) Letters should be sent to the name as it appears when CC LETER is initiated.

Note: If establishing an entity for the RS, issue the letter to the current name.

Caution: Be sure not to disclose the RS' new name to the NRS.

- (2) Verify the address on the letters with the address on Form 8857. If the address is different, determine which address is more current: the one on ENMOD, INOLE, or Form 8857. If the Form 8857 address is more current, see IRM 25.15.18.9.6, Address Updates, for instructions on address changes and when Master File needs to be updated.

Caution: Some of the RS' addresses are updating to the NRS' address on the joint return. **Therefore, it is imperative to verify the address before sending the letter.** If the RS' address erroneously updated to the NRS' address, correct the account to prevent use of the wrong address on future letters or notices by IRS personnel.

Caution: Do not update an address change for the NRS based on Form 8857 submitted by the RS.

- (3) Mail letters for the NRS to the address on ENMOD. If it is returned as undeliverable see IRM 25.15.18.9.3, Undeliverable Mail, for more information.
- (4) When a taxpayer is deceased, address the letter to the estate of the taxpayer. On the first name line enter "Estate of.....", no second name line is required.

25.15.18.9.6
(02-06-2017)

Address Updates

- (1) The Service will update a taxpayer's address if one of the following occurs:

- The address has changed on the taxpayer's most recently filed and processed return, or
- The taxpayer provides clear and concise notification of an address change.

- (2) General requirements for making address changes require clear and concise written notification from the taxpayer. A statement signed by the taxpayer informing the Service that the taxpayer requests the address of record to be changed. This notification should contain the following items:

- a. New address.
- b. Taxpayer's full name.

Note: Individuals who have changed their last name should provide the last name shown on the most recently filed return and the new last name.

- c. Taxpayer's signature or the signature of an authorized representative.
- d. Old address.
- e. Social Security Number (SSN) or Individual Taxpayer Identification Number (ITIN).

(3) Address changes should be made when an obvious error in the taxpayer name and/or address is shown on Master File.

(4) Contacts that are considered clear and concise notification of an address change include the following:

- a. The taxpayer returns an IRS initiated correspondence that solicits or requires a response to IRS with corrections marked on the address information. The taxpayer's signature on the correspondence (for the purpose of updating the address) is not required.
- b. Notification of an automated address change made by the U.S. Postal Service.

Note: A new address indicated as a return address on the envelope, or in the letterhead of taxpayer correspondence is not, by itself, clear and concise notification, and is not sufficient to change a taxpayer's address of record.

- c. A technician may change an address based on information received from the taxpayer over the phone. See IRM 3.13.5.27, Oral Statement/ Telephone Contact Address Change Requirements, for the appropriate guidelines.

(5) If any information is missing from the taxpayer's request, do not update Master File.

- a. If the technician is issuing an initial contact letter, send the letter to the taxpayer at the new address and include a Form 8822, Change of Address. Include a paragraph advising the taxpayer to complete the form and return it, so that their account may be updated.
- b. If the taxpayer indicates a change of address after the initial contact letter has been issued and the technician is making a determination on the claim, issue the Preliminary or Final Determination letters to the address of record. Issue a copy of the letter to the current address (as indicated by the taxpayer) and include a Form 8822, Change of Address, and include an open paragraph advising the taxpayer to complete the form and return it, so that their account may be updated.

Note: If a Form 8822 was sent to the taxpayer with a previous initial contact or preliminary determination letter, and there has been no response, the Form 8822 does not need to be sent again. Send the letter to the address of record.

25.15.18.9.7
(07-11-2016)
IRS Employee Cases

- (1) IRS employee cases are worked like any other innocent spouse case, but special precautions are needed to protect the information in an employee case. These are highly sensitive cases and must be locked in a secured location when not actively being worked. Strict confidence is required and should only be discussed on an as needed basis. Typically, each stage of the process has a designated CCISO employee who works IRS employee cases.

Note: If you know the IRS employee, refer the case immediately to a manager.

25.15.18.9.7.1
(07-11-2016)
Definition of an IRS Employee and How to Identify

- (1) The definition of an IRS employee case is an active IRS employee. Any retired Federal employee is to be worked as a regular case.
- (2) IRS employees are identified on ENMOD, TXMOD, or IMFOL as follows:

IDRS Command Code	Information Provided
ENMOD	<ul style="list-style-type: none"> • Below the name and address area, IRS-EMP-CD. • 1 = Primary Taxpayer (TP) is IRS employee. • 2 = Secondary TP is IRS employee. • 3 = Both TP's are IRS employees. • Blank = Neither.
TXMODA	<ul style="list-style-type: none"> • Under the Document Locator Number (DLN), top left. • Same codes as listed in ENMOD above.
IMFOLI	<ul style="list-style-type: none"> • Under IMFOLI, top left. • P = Primary. • S = Secondary. • B = Both. • Blank = Neither.

Reminder: U. S. Treasury Form W-2, Wage and Tax Statement, attached to the return can also be used to identify an IRS employee.

- (3) If the claim is non-qualified and no special handling is required, follow normal procedures.

25.15.18.9.7.2
(07-11-2016)
Additional Precautions

- (1) Use CC ESTAB for the administrative file. Notate in the remarks area the following:
 - a. Identify the appropriate employee who should receive the administrative file, and
 - b. That it is an IRS employee involved.
- (2) Update ISTS and ISTSR Input Record to Stage 04 with comment "IRSEMP".

- (3) Place in appropriate folder.
- (4) Control case using either of the following activities:
 - a. "IRSEMP8857", Status A, Category, " INSP", or
 - b. "INSS" on TXMOD.

Note: INSP indicates the primary taxpayer filed for innocent spouse relief. INSS indicates the secondary taxpayer filed for innocent spouse relief.
- (5) Give case to the lead or manager in the appropriate team when case activities (building case, assigning case, making determination, etc.) are complete. Cases will be filed and maintained by date order in a secure locked cabinet.

25.15.18.9.8
(02-06-2017)
**Taxpayer Request for
Withdrawal of Claim**

- (1) When the RS has notified the IRS verbally or by letter to withdraw their claim:
 - a. Update ISTS and ISTSR Input Record to Stage 29 with the activity of "WITH" and Stage 30 with the activity of "NOACCTP".
 - b. Input a TC 290 for .00, update ISTSR Input Record to Stage 30, and close TXMOD control.

Note: If unable to input TC 290 .00, **do not** update ISTS to Stage 30. Place case in the appropriate receptacle for the closing technician to complete all necessary actions to close case.

 - c. Input TC 972 AC 065 reflecting the CSED extension of 60 days from the date the request to withdraw was received.
 - d. If an open AUR case, email the information to the appropriate primary contact person.
 - e. Prepare and issue Letter 3657-C, No Consideration Innocent Spouse , to the RS and Letter 3323-C, Non-Requesting Spouse Final Notice, to the NRS, if notification has been made with the appropriate paragraphs.
 - f. Prepare claim to be sent to Files.

Note: If the withdrawal is done by phone, be sure to document it on AMS and keep a copy of the AMS print in the case file.

Caution: A claim can be withdrawn after a preliminary determination letter has been issued at the discretion of the IRS. **A claim cannot be withdrawn after a final determination has been made.**

Exhibit 25.15.18-1 (07-11-2016)**Documented Activity Record**

Documented Activity Record	
a.	Additional information received and considered.
b.	No additional information received.
c.	Additional information indicated on the request: <ul style="list-style-type: none">• Contacted RS/NRS providing 14 day time frame.• Case suspended for allocated time frame.• Sending for appeal of original determination, no additional information was received.

Exhibit 25.15.18-2 (07-11-2016)
Accounts That Cannot Be Mirrored

Reason	Suggested Notation
Automated Underreporter (Open TC 922)	AUR
Offer in Compromise	OIC
Dead Cycle Mirroring	Dead Cycle
Primary Taxpayer Deceased	DECD mirror
Secondary Taxpayer Deceased	SEC DECD
Bankruptcy for NRS	BKCY
Criminal Investigation	-Z or Z- freeze code
Open AIMS (Open TC 420)	AIMS
Invalid TIN (may be identified with an asterisk *)	INVA TIN
Name Control Mismatch	N/C
Either taxpayer has any of the following: a. Internal Revenue Service Number (IRSN), or b. Individual Taxpayer Identification Number (ITIN), or c. Adoption Taxpayer Identification Number (ATIN).	ISRN, ITIN, or ATIN (whichever is identified)

Exhibit 25.15.18-3 (07-11-2016)**Freeze Codes**

Freeze Code	Represents
-C	Combat Zone
-L	Open AIMS
M-	Account Frozen
-O	Disaster Area
-V	Bankruptcy
-W	Litigation/CDP
-Y	Offer in Compromise (OIC)
-Z or Z-	Criminal Investigation (CI)
All Others	See Document 6209, IRS Processing Codes and Information.

Exhibit 25.15.18-4 (03-20-2019)
Clerical Instructions for Full Scope

Clerical instructions for full scope cases are in the table below.

Note: **BOLD** indicates the stamper can be used.

Case Type	Clerical Action
Full Accept Without Refund.	a. Input TC 971 AC 131 to RS's account. b. Close in team.
Full Accept With Refund. Note: Appropriate colored folder must be used.	a. ISO-AR to processing. b. Input TC 971 AC 131 to RS' account.
Partial - Full Paid or Refund Barred and Full Paid.	a. Full paid - no action needed. b. Close in team.
Partial - Full Paid with Refund and No Adjustment Needed. Note: Appropriate colored folder must be used.	a. ISO-AR to processing. b. Input TC 971 AC 131 to RS' account.
(True) Partial - (With or Without Refund) and Adjustment Needed.	a. Send case to processing.
Denied.	a. Does not require any clerical instruction.
Unmirrored - (Going to NMF or single MFT 31).	a. Unable to mirror. b. Send case to processing.
Open AUR.	a. All required actions sent to AUR. b. Close in team.

Exhibit 25.15.18-5 (03-20-2019)
Other Technical Referrals

Innocent spouse issues that may need additional research or consideration are shown in the table below.

Case Type	Description	
Criminal Restitution	Cases will have a MFT 31, which reflect the restitution mandated by the court.	
	TEFRA case.	#
	TEFRA case.	#
	Airline pilot claiming investment interest on Schedule A.	#
	HUD housing.	#
OVDI	Offshore Voluntary Disclosure Initiative.	

