

Internal Revenue Service

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Department of the Treasury
Washington, DC 20224

Person To Contact:

, ID No.

Telephone Number:

Refer Reply To:

CC:PSI – GENIN-101444-04

Date:

March 17, 2004

Dear [REDACTED]

We are answering correspondence, submitted by your representative, requesting to revoke an S corporation election effective as of 2002 taxable year. The information submitted indicates that your Form 2553 was filed in March 2002 and accepted for the 2002 taxable year; however, you failed to receive an acceptance letter from the Internal Revenue Service. You subsequently filed a Form 1120 tax return for the 2002 period, which was rejected.

In order for a termination to be effective for a 2002 date, you would have had to file a revocation statement before the 16th day of the 3rd month of the 2002 taxable year. There is no evidence of such a filing. Further, neither the Internal Revenue Code nor the Income Tax Regulations provide relief for taxpayers who inadvertently elect S corporation status.

Please keep this letter with your tax records and feel free to provide a copy of it to your authorized representative.

Sincerely yours,

/s/ Dianna K Miosi

DIANNA K. MIOSI
Chief, Branch 1
Associate Chief Counsel
(Passthroughs and Special Industries)