

CC-2003-031

September 11, 2003

Subject: Face-to-Face Conferences with Appeals in Collection Due Process Cases
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Purpose

This Notice provides guidance concerning when the Internal Revenue Service Office of Appeals will offer a taxpayer a face-to-face conference in a lien and levy case arising under I.R.C. ' 6320 or ' 6330.

Discussion

Section 6320 provides generally that a person described in section 6321 will receive notice and opportunity for a hearing with Appeals upon the filing of a notice of federal tax lien pursuant to section 6323. Section 6330 provides generally that a taxpayer will receive notice and opportunity for a hearing with Appeals prior to levy on that taxpayer's property or rights to property. These provisions do not define the nature of a CDP hearing.

Sections 301.6320-1(d)(2) Q&A D6 and 301.6330-1(d)(2) Q&A D6 of the Treasury regulations provide that the CDP hearing may, but is not required to, consist of a face-to-face conference with Appeals. The CDP hearing may also consist of written or oral communications between an Appeals employee and the taxpayer or the taxpayer's representative. See Katz v. Commissioner, 115 T.C. 329 (2000); Davis v. Commissioner, 115 T.C. 35 (2000); Konkel v. Commissioner, 2001-2 USTC & 50,520 (M.D. Fla. 2000).

Sections 301.6320-1(d)(2) Q&A D7 and 301.6330-1(d)(2) Q&A D7 of the Treasury regulations provide that, if a taxpayer requests a face-to-face conference, the taxpayer must be offered one at the Appeals office closest to the taxpayer's residence or, if the taxpayer is a corporation, closest to its principal place of business. The face-to-face conference contemplated by these regulations is a conference for the purpose of addressing issues relevant to the taxpayer's CDP case. The regulations are premised

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