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From: [REDACTED]

Sent: Tuesday, April 04, 2017 4:06:34 PM

To: [REDACTED]

Cc: [REDACTED]

Bcc:

Subject: Question regarding IRM 5.14.1 and IRC 6331

You are correct that under section 6331(k)(2)(B), the Service is prohibited from levying on a taxpayer's property while an offer for an installment agreement is pending and "if such offer is rejected by the Secretary, during the 30 days thereafter (and, if an appeal of such rejection is filed within such 30 days, during the period that such appeal is pending)." The CSED is suspended during this time as well. The TC 971 AC 043 that is input on a taxpayer's account when the taxpayer submits an offer for an installment agreement both prevents levy and suspends the CSED in IDRS. See IRM 5.14.1.3(2)(3); IRM 5.19.1.5.4.7(4) ("A systemic suspension of the CSED during the time a proposed IA is pending is built into MF processing and is triggered by the following dates . . . TC 971 AC 043 . . ."). The 45-day time frame you pointed to in IRM 5.14.1.3(8)(b) for reversing the TC 971 AC 043 after a proposed installment agreement is rejected is designed to provide a 15-day window to allow for an Appeals request to come in with respect to a rejection decision. See IRM 5.14.9.8(2) ("Allow at least fifteen additional days after the thirty day period in case taxpayers mail requests for hearing regarding rejections [of proposed installment agreements]"). As you noted, however, when a Revenue Officer follows the instructions in the IRM and reverses the TC 971 AC 043 45 days after a proposed installment agreement is rejected, the resulting CSED computation in IDRS is off by 15 days. I have spoken with the author of IRM 5.14.1, and he is open to revising IRM 5.14.1.3(8)(b) and Exhibit 5.14.1-1(4)(a) to clarify that although the TC 971 AC 043 should be reversed 45 days after a rejection decision, the reversal should be input as of 30 days after the rejection. This should help ensure that the CSEDs shown in IDRS are accurate.