

STATE OF NEW YORK
STATE TAX COMMISSION

*Bloom, Marie
Personal Income*
(970)

In the Matter of the Petition :
of :
MARIE A. BLOOM :
For a Redetermination of a Deficiency or :
a Refund of Personal Income :
Taxes under Article(s) 22 of the :
Tax Law for the (Year(s) 1965. :

AFFIDAVIT OF MAILING
OF NOTICE OF DECISION
BY (CERTIFIED) MAIL

State of New York
County of Albany

Linda Wilson , being duly sworn, deposes and says that she is an employee of the Department of Taxation and Finance, over 18 years of age, and that on the 16th day of August , 1971 , she served the within Notice of Decision (or Determination) by (certified) mail upon MARIE A. BLOOM

(representative of) the petitioner in the within proceeding, by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed as follows: Marie A. Bloom
P.O. Box 1462
Bayville, New York 11709

and by depositing same enclosed in a postpaid properly addressed wrapper in a (post office or official depository) under the exclusive care and custody of the United States Post Office Department within the State of New York.

That deponent further says that the said addressee is the (representative of) petitioner herein and that the address set forth on said wrapper is the last known address of the (representative of the) petitioner.

Sworn to before me this

16th day of August , 19 71

Martha J. ...

Linda Wilson

STATE OF NEW YORK

STATE TAX COMMISSION

In the Matter of the Petition :
of :
MARIE A. BLOOM : DECISION
for a Redetermination of a Deficiency :
or for Refund of Personal Income Tax :
under Article 22 of the Tax Law for the :
year 1965. :

Marie A. Bloom filed a petition under section 689 of the Tax Law for the redetermination of a deficiency dated September 25, 1967, of personal income tax under Article 22 of the Tax Law for the year 1965 which has since been paid.

A hearing was duly held before Nigel G. Wright, Hearing Officer, on October 19, 1970, at the offices of the State Tax Commission, 80 Centre Street, New York City, with the petitioner appearing without a representative and Edward H. Best, (Francis X. Boylan, Esq., of Counsel) appearing for the Income Tax Bureau.

The record of said hearing has been duly examined and considered.

ISSUE

The issue in this case is the value of two watches which were stolen and claimed as a theft loss under section 165(c)(3) of the Internal Revenue Code. The denial in the deficiency notice of certain charitable contributions as deductions was not contested.

FINDINGS OF FACT

1. Petitioner owned two watches which were stolen in 1965. One watch was a 18 karat gold pendant watch purchased from Tiffany's in 1931. It was a confirmation gift to petitioner. An identical watch owned by petitioner's sister was recently valued at \$200.00.

The other watch was a platinum wrist watch obtained by petitioner from her husband as a wedding gift. Shortly before the theft, petitioner had paid \$80.00 to Macy's for a new movement for the watch. Petitioner values this watch at \$250.00.

2. The testimony of petitioner concerning the circumstances of the theft, later discussions with the police and other matters were entirely credible.

3. The deficiency asserted on September 25, 1967, amounts to \$39.66 plus interest of \$3.44 to the date of the notice of deficiency. This amount has been paid.

CONCLUSIONS OF LAW

A. Petitioner has adequately proven the value of the two watches at \$250.00 and \$200.00 and said amounts, less \$100.00 as provided in section 165(c)(3) of the Internal Revenue Code, are allowed as a theft deduction.

DECISION

The petition is granted and the deficiency is recomputed to be \$21.00 plus interest to the date of payment of \$2.35. The amount of \$19.75 is allowed as a refund together with such interest as may be allowable under section 688 of the Tax Law.

DATED: Albany, New York

August 16, 1971.

STATE TAX COMMISSION


COMMISSIONER


COMMISSIONER


COMMISSIONER