

Moser, Emmons
Personal Income
(1971)

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition
:
of
:
Emmons Moser
:
For a Redetermination of a Deficiency or
a Refund of Personal Income
:
Taxes under Article(s) 16 of the
Tax Law for the (Year(s) 1955 :

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

State of New York
County of Albany

Martha Funaro , 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 29th day of April , 1971 , she served the within Notice of Decision (or Determination) by (certified) mail upon Emmons Moser (representative of) the petitioner in the within proceeding, by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed as follows:

Emmons Moser
138 Ormont Road
Chatham, New Jersey

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
29th day of April , 1971

Linda Wilson

Martha Funaro

MEMORANDUM

DATE: APR. 20, 1971

TO: Mr. Louis Etlinger
c/o Floyd Worden
Income Tax Bureau
Room 104, Building #8

FROM: ~~Paul B. Coburn~~, Hearing Officer
LAWRENCE A. NEWMAN
Hearing Unit
Room 214a, Building #9

old case - no
SS # in file
sent
4/20/71

RE: EMMONS Moser

SOCIAL SECURITY NO.:

SS# 083 20 4758

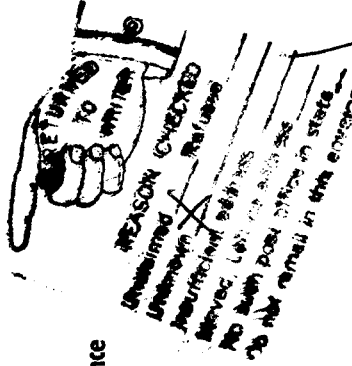
Please advise as to the last known address for the above named taxpayer.

Lay
~~Paul B. Coburn~~
LAWRENCE A. NEWMAN

Taxpayer's last known address is:

138 ORMONT ROAD
CHATTAUGY, N. J. (PER 1968 RTN)

STATE OF NEW YORK
Department of Taxation and Finance
STATE CAMPUS
ALBANY, N. Y. 12226



~~Ermons Moser~~

~~207 Adams Avenue
River Edge, New Jersey~~

OK/Kremer

[Handwritten initials]

[Handwritten initials]

STATE OF NEW YORK
STATE TAX COMMISSION

*Moser, Emmons
Personal
1971*

In the Matter of the Petition
:
of
:
EMMONS MOSER
:
For a Redetermination of a Deficiency or
a Refund of Personal Income
Taxes under Article(s) 16 of the
Tax Law for the (Year(s) 1955

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 14th day of April, 1971, she served the within Notice of Decision (or Determination) by (certified) mail upon EMMONS MOSER

(representative of) the petitioner in the within proceeding, by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed as follows:

Emmons Moser
207 Adams Avenue
River Edge, New Jersey

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

14th day of April, 1971

Maitha J. J. J.

Linda Wilson

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Petition

of

EMMONS MOSER

For a Redetermination of a Deficiency or
a Refund of Personal Income
Taxes under Article(s) 16 of the
Tax Law for the (Year(s) 1955

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 14th day of April, 1971, she served the within Notice of Decision (or Determination) by (certified) mail upon CHARLES BRANDT, C.P.A. (representative of) the petitioner in the within proceeding, by enclosing a true copy thereof in a securely sealed postpaid wrapper addressed as follows: Charles Brandt, C.P.A.
233 Broadway
New York, New York

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

14th day of April, 1971.

Martha Janaro

Linda Wilson

STATE OF NEW YORK
STATE TAX COMMISSION

In the Matter of the Application :
of : DETERMINATION
EMMONS MOSER :
for revision or refund of Personal Income :
Taxes under Article 16 of the Tax Law for :
the Year 1955. (:

The taxpayer filed an application for revision or refund of personal Income Taxes under Article 16 of the Tax Law for the year 1955. A formal hearing was held in the Offices of the State Tax Commission in the City of New York on May 27, 1964. The taxpayer was represented by Charles Brandt, CPA.

FINDINGS OF FACT

1. The issue in this case is whether losses claimed by the taxpayer as capital losses should have been deducted as normal losses.

2. The taxpayer filed a Personal Income Tax return for the year 1955 in which he claimed capital losses of \$89,074.24 predicated upon two separate transactions. One transaction concerned loans to an individual amounting to \$58,750.00 for which the individual pledged his personal note and capital stock holdings in Compressed Products Corporation as collateral. This individual died intestate, resulting in a total loss to the taxpayer. The second transaction involved certain loans totaling \$64,598.68 made by the taxpayer to Charles Frozen Foods, Inc. On August 8, 1955 Chapter XI proceedings in bankruptcy were instituted against this corporation. As a result of this action, the taxpayer incurred a loss of \$30,324.24 on his loan.

3. On April 22, 1958 an additional assessment, No. 420474 in the amount of \$3,067.94, was issued against the taxpayer in which the \$89,074.24 claimed as a capital loss was disallowed on the basis that the losses were deductible from normal income only.

DETERMINATION

A. The losses sustained by the taxpayer were normal losses resulting from personal loans that became bad debts.

B. The application is therefore denied and the assessment is sustained, together with such interest as may be lawfully due.

DATED: Albany, New York
April 14, 1971

STATE TAX COMMISSION

Norman Gallerson

COMMISSIONER

Abner M. Mawley

COMMISSIONER

Milton Koerner

COMMISSIONER