

INTRODUCTION: The Most Serious Problems Encountered by Taxpayers: The Taxpayer's Journey

Internal Revenue Code (IRC) § 7803(c)(2)(B)(ii)(III) requires the National Taxpayer Advocate to prepare an Annual Report to Congress that contains a summary of at least 20 of the most serious problems (MSPs) encountered by taxpayers each year. For 2018, the National Taxpayer Advocate has identified, analyzed, and offered recommendations to assist the IRS and Congress in resolving 20 such problems.

As in earlier years, this report discusses at least 20 of the most serious problems encountered by taxpayers—but not necessarily *the top 20* most serious problems. That is by design. Since there is no objective way to select the 20 MSPs, we consider a variety of factors when making this determination. Moreover, while we carefully rank each year's problems under the same methodology (described below), the list remains inherently subjective in many respects.

To simply report on the top 20 problems would limit our effectiveness in focusing congressional, IRS, and public attention on critical issues. It would require us to repeat much of the same data and propose many of the same solutions year to year. Thus, the statute gives the National Taxpayer Advocate flexibility in selecting both the subject matter and the number of topics discussed and to use the report to put forth actionable and specific solutions instead of mere criticism and complaints.

Methodology of the Most Serious Problem List

The National Taxpayer Advocate considers a number of factors in identifying, evaluating, and ranking the MSPs encountered by taxpayers. In many years, the National Taxpayer Advocate identifies a theme or groupings of issues for the Annual Report that is reflected in the selection of issues. For example, this year the MSPs illustrate the taxpayer's journey. The MSPs are grouped by the stages of the journey as follows:

- The Prefiling Stage: Taxpayer Access to Information;
- The Return Filing Process: Balancing Ease and Efficiency with Revenue Protection;
- The Examination Process: Minimizing Taxpayer Burden in the Selection and Conduct of Audits;
- The Notice Function: IRS Written Communication with Taxpayers;
- The IRS Collection Function: Minimizing Taxpayer Burden and Addressing Taxpayers' Ability to Pay; and
- The Litigation Stage: Access to Representation.

The 20 issues in this year's report are ranked according to the following criteria:

- Impact on taxpayer rights;
- Number of taxpayers affected;
- Interest, sensitivity, and visibility to the National Taxpayer Advocate, Congress, and other external stakeholders;
- Barriers these problems present to tax law compliance, including cost, time, and burden;
- The revenue impact of noncompliance; and
- Taxpayer Advocate Management Information System (TAMIS) and Systemic Advocacy Management System (SAMS) data.

Finally, the National Taxpayer Advocate and the Office of Systemic Advocacy examine the results of the ranking on the remaining issues and adjust it where editorial or numerical considerations warrant a particular placement or grouping.

Taxpayer Advocate Management Information System (TAMIS) List

The identification of the MSPs reflects not only the mandates of Congress and the IRC, but TAS's integrated approach to advocacy—using individual cases as a means for detecting trends and identifying systemic problems in IRS policy and procedures or the Code. TAS tracks individual taxpayer cases on TAMIS. The top 25 case issues, listed in Appendix 1, reflect TAMIS receipts based on taxpayer contacts in Fiscal Year 2018, a period spanning October 1, 2017, through September 30, 2018.

Use of Examples

The examples presented in this report illustrate issues raised in cases handled by TAS. To comply with IRC § 6103, which generally requires the IRS to keep taxpayer returns and return information confidential, the details of the fact patterns have been changed. In some instances, the taxpayer has provided written consent for the National Taxpayer Advocate to use facts specific to that taxpayer's case. These exceptions are noted in footnotes to the examples.

Data Compilation and Validation

The data cited in the National Taxpayer Advocate's annual reports generally come from one of three sources: (i) publicly available data such as the IRS Data Book, Government Accountability Office reports, and Treasury Inspector General for Tax Administration reports; (ii) IRS databases to which TAS has access; and (iii) IRS data that is provided by the Operating Divisions pursuant to TAS information requests. Once data has been compiled, TAS's Office of Research and Analysis double checks it. Then TAS sends all data included in the "most serious problems" section of the report to the IRS for final verification prior to publication.

On the rare occasion where TAS and the IRS have a disagreement about data, we generally meet to discuss it, and if a disagreement persists, we note it in the report. This process ensures data integrity and full transparency regarding data sources and reliability.