

Under IRC § 7803(c)(2)(A), TAS has four principal functions:

- Assist taxpayers in resolving problems with the IRS;<sup>1</sup>
- Identify areas in which taxpayers are experiencing problems with the IRS;
- Propose changes in the administrative practices of the IRS to mitigate problems taxpayers are experiencing with the IRS; and
- Identify potential legislative changes that may be appropriate to mitigate such problems.

The first function described in the statute relates to TAS's Case Advocacy, which involves assisting taxpayers in resolving their IRS problems. A fundamental part of obtaining resolution for taxpayers involves protecting taxpayer rights and reducing taxpayer burden.<sup>2</sup> TAS Case Advocacy is primarily responsible for direct contact with all types of taxpayers (including individuals, businesses, and tax exempt entities), their representatives, and congressional staff to resolve specific problems taxpayers are experiencing with the IRS. Information from these contacts and case results are vital to TAS's statutory mission to propose changes in the IRS's administrative practices to alleviate taxpayers' problems and to identify potential legislative changes to relieve such problems.<sup>3</sup> TAS continues to experience challenges assisting taxpayers and fulfilling its mission of assisting taxpayers with their specific issues and concerns involving IRS systems and procedures due to IRS processing delays.<sup>4</sup>

### **IRS PROCESSING DELAYS CHALLENGE TAS'S ALREADY LIMITED RESOURCES AND IMPACT THE ABILITY TO PROMPTLY ASSIST TAXPAYERS**

The IRS faced a myriad of challenges during the 2021 filing season that produced historically low Levels of Service and stymied tax administration.<sup>5</sup> The IRS's complete and partial shutdown of core operations in 2020 due to COVID-19 created unprecedented backlogs in the IRS's processing functions, particularly those involved in processing original and amended returns, with backlogs continuing into the 2021 filing season. Although the IRS is back to working at full capacity in most functions, it has struggled to catch up from the previous office shutdowns and reduced staffing levels required for social distancing. In addition, the IRS permanently closed the Fresno Service Center's Submission Processing operations in fiscal year (FY) 2021, which required the IRS to send all remaining work from Fresno to the Ogden and Kansas City campuses. Finally, many experienced employees were unavailable to assist with the workload as they were training new employees.

Congress also tasked the IRS with implementing significant programming changes to comply with legislation passed in March 2020, December 2020, and March 2021. Taxpayers who did not receive Economic Impact Payments (EIPs) or received less than the amount to which they were entitled had to reconcile the EIPs with the Recovery Rebate Credit (RRC) when filing their 2020 income tax returns. In addition, errors made on many of these returns required manual review before the returns could be processed and refunds issued.

A provision of the American Rescue Plan Act (ARPA) suspended the requirement to repay excess Advance Premium Tax Credit (APTC) for the 2020 tax year, and another provision allowed taxpayers with a modified adjusted gross income of less than \$150,000 to exclude from taxable income up to \$10,200 of unemployment compensation.<sup>6</sup> Since ARPA was passed in March, with the filing season already underway, the IRS implemented systemic recoveries to correct returns that were already processed with the full unemployment compensation or APTC repayment reported. Some taxpayers, unaware of the IRS's efforts to systemically correct for the ARPA legislation, filed amended returns. In instances where a taxpayer reported an APTC repayment, the IRS removed the repayment and sent a math error notice. Fewer people working in the IRS offices coupled with these legislative changes resulted in a huge backlog of unpostable and reject cases, additional math error notices, and more amended returns requiring IRS processing.

The strain on the IRS's customer service and its ability to offer adequate assistance created problems for taxpayers, many of whom may have experienced financial hardships from significant delays in receiving their refunds. Delays in securing refunds likely drove taxpayers to call the IRS phone lines in historic numbers to obtain meaningful, basic information about their tax matters, which overwhelmed the IRS's capacity. Predictably, when taxpayers were unable to reach the IRS, many contacted their members of Congress<sup>7</sup> or TAS for assistance.<sup>8</sup> Over the past five years, TAS has seen a continued dramatic increase in the demand for its services, which the recent processing delays only intensified. Since FY 2017, TAS case receipts have increased 58 percent – from 167,336 in FY 2017 to 264,343 in FY 2021.<sup>9</sup>

While TAS's cases have increased dramatically, TAS's staffing levels have not kept pace. At the end of FY 2017, TAS employed 683 Case Advocates, compared to 699 at the end of FY 2021.<sup>10</sup> At the same time, TAS's intake staffing dropped from 187 at the end of FY 2017 to 162 at the end of FY 2021.<sup>11</sup> This reduced staffing translates to a significant loss in TAS's ability to serve taxpayers when considering case receipts increased 58 percent during the same period.<sup>12</sup>

Recognizing the challenges of the 2021 filing season, TAS strategically evaluated case receipts to identify issues where TAS can advocate on behalf of the taxpayer and resolve their issues and issues where TAS could not take an active advocacy role due to a lack of IRS procedures or processing delays. In the latter group of cases, TAS was unable to effectively move cases toward resolution and instead was simply monitoring accounts awaiting an IRS action. To maximize resources and focus on the cases where TAS was able to provide assistance, TAS modified its case acceptance criteria and streamlined case procedures.<sup>13</sup>

TAS took an all-hands-on-deck approach, reassigning employees from Area Offices and Headquarters functions (including suspending its Quality Review Program) to assist in completing Taxpayer Assistance Orders (TAOs),<sup>14</sup> monitoring the processing of original and amended tax returns,<sup>15</sup> inputting adjustments on accounts to resolve certain Affordable Care Act submission processing issues,<sup>16</sup> and taking closing actions on specified cases.<sup>17</sup>

TAS's intake operations have also suffered.<sup>18</sup> As the IRS's Level of Service on its toll-free telephone lines dwindled to all-time lows, taxpayers found it unusually difficult to obtain answers about their tax returns, specifically their refunds. Although TAS changed its case acceptance criteria, some taxpayers unable to reach the IRS sought TAS assistance. Calls to the TAS toll-free lines increased from 81,210 in FY 2017 to 212,733 in FY 2021, an increase of 162 percent. TAS simply could not keep up with the number of taxpayer inquiries, and TAS's Level of Service dropped to 30 percent.<sup>19</sup> Voice mailboxes in local TAS offices were quickly overwhelmed, and TAS implemented a phone gating system designed to manage the number of phone messages left by taxpayers.

Likewise, TAS experienced an increase in IRS referrals for taxpayers meeting TAS case acceptance criteria via the Accounts Management System. In FY 2017, IRS referred 71,848 taxpayers to TAS compared to 96,244 referrals in FY 2021, an increase of 34 percent.<sup>20</sup> To help intake operations, TAS developed procedures to streamline processes for returning taxpayer inquiries not meeting case acceptance criteria to the IRS and created an online tool to help TAS and IRS employees when making case acceptance determinations.<sup>21</sup> TAS continues to hire intake employees. However, these are traditionally lower-graded positions and when coupled with the pressures of increased phone traffic, it is likely TAS will continue to have high turnover in these positions.

TAS expects the challenges in FY 2021 will continue in FY 2022. IRS backlogs persist, and reconciling the third EIP with the RRC and the Advance Child Tax Credit with the Child Tax Credit on 2021 individual income tax returns is likely to cause similar processing problems as those experienced during FY 2021. To further compound the problem, almost a quarter of TAS's workforce will be eligible to retire in FY 2022, and when combined with the potential impact of the COVID-19 vaccination mandate and workload demands,

staffing levels in TAS will likely take a significant impact.<sup>22</sup> Furthermore, TAS is starting FY 2022 with a continuing resolution that limits TAS's ability to hire Case and Intake Advocates in advance of the 2022 filing season, putting TAS in a worse staffing position than at the start of the 2021 filing season.<sup>23</sup> TAS continues to focus efforts on hiring and training new employees and finding efficiencies wherever possible, but without a confirmed budget at the start of FY 2022, TAS's hiring capabilities are severely limited.

### CASE RECEIPT TRENDS IN FISCAL YEAR 2021

Despite the changes in TAS case acceptance criteria, TAS received 264,343 cases in FY 2021, accounting for 57,571 more cases than received in FY 2020, an increase of nearly 28 percent.<sup>24</sup> As with the IRS, much of the increase in TAS cases involved processing issues. Typically, document processing issues account for approximately 20 percent of TAS case receipts.<sup>25</sup> In FY 2021, document processing issues accounted for 39 percent of TAS case receipts.<sup>26</sup> In addition to case receipts, Intake Advocates also resolved another 31,768 taxpayer calls without the need to establish a TAS case.<sup>27</sup> Taxpayers who call the IRS National Taxpayer Advocate toll-free line, which is staffed by IRS employees, are transferred to the TAS Centralized Case Intake (CCI) function if the IRS assistors are unable to assist the taxpayer and determine the taxpayer's issue meets TAS criteria.<sup>28</sup> Of the 64,595 taxpayer calls answered, TAS CCI assisted 49 percent of the taxpayers without creating a new case.<sup>29</sup> Providing taxpayers this assistance during the initial contact allows TAS to use its specialized skills and resources on more complex situations.

**FIGURE 4.1, TAS Case and Intake Receipts and Relief Rates, FYs 2020-2021<sup>30</sup>**

Case Categories	Receipts FY 2020	Receipts FY 2021	Percent Change	Relief Rates FY 2020	Relief Rates FY 2021	Percent Change
Economic Burden	120,357	133,766	11.1%	79.2%	80.1%	1.2%
Systemic Burden	85,462	116,744	36.6%	79.4%	81.1%	2.1%
Best Interest of the Taxpayer	418	501	19.9%	76.7%	76.8%	0.1%
Public Policy	535	13,332	2,392.0%	77.4%	66.3%	-14.3%
<b>Subtotal</b>	<b>206,772</b>	<b>264,343</b>	<b>27.8%</b>	<b>79.3%</b>	<b>79.9%</b>	<b>0.9%</b>
Calls Resolved With Alternative Assistance	29,117	31,768	9.1%			
<b>Grand Total Receipts</b>	<b>235,889</b>	<b>296,111</b>	<b>25.5%</b>			

### MOST PREVALENT ISSUES IN TAS CASES, WITH A FOCUS ON ECONOMIC BURDEN CASES

Figure 4.2 compares the top ten sources of TAS receipts by issue for FY 2020 to FY 2021.<sup>31</sup>

**FIGURE 4.2, Top Ten Issues for FY 2021 Cases Received in TAS Compared to FY 2020<sup>32</sup>**

Rank	Issue Description	FY 2020	FY 2021	FY 2021 Percent of Total	Percent Change FY 2020 to FY 2021
1	Tax Return Filings: Unpostables and Rejects	15,784	45,665	17.3%	189.3%
2	Tax Return Filings: Pre-Refund Wage Verification Hold	68,499	36,937	14.0%	-46.1%
3	Processing Amended Returns	7,676	20,961	7.9%	173.1%
4	Processing Original Returns	8,509	14,766	5.6%	73.5%
5	Earned Income Tax Credit (EITC)	12,176	14,588	5.5%	19.8%
6	Health Insurance Premium Tax Credit for Individuals	8,287	14,550	5.5%	75.6%
7	Other Refund Inquiries and Issues	8,187	11,642	4.4%	42.2%
8	Taxpayer Protection Program Issues	7,098	11,412	4.3%	60.8%
9	Identity Theft	5,900	9,234	3.5%	56.5%
10	Math Error	1,505	4,983	1.9%	231.1%
Other TAS Receipts		63,151	79,605	30.1%	26.1%
<b>Total TAS Receipts</b>		<b>206,772</b>	<b>264,343</b>		<b>27.8%</b>

More than half of TAS's case receipts continue to involve taxpayers experiencing an economic burden (EB).<sup>33</sup> Because these taxpayers face potential immediate adverse financial consequences, TAS requires employees to work these cases using accelerated timeframes.<sup>34</sup>

Figure 4.3 shows the top five issues driving economic burden receipts in FY 2021 compared to FY 2020. TAS dedicates significant resources to resolving the systemic causes of these issues, and as discussed in the Most Serious Problems section of this and past reports, provides recommendations to the IRS to improve processes that cause taxpayers to experience economic or systemic burdens.

**FIGURE 4.3, Top Five Case Issues Causing Economic Burden Receipts in FY 2021 Compared to FY 2020<sup>35</sup>**

Rank	Issue Description	FY 2020	EB Receipts as Percent Total EB Receipts for Issue FY 2020	FY 2021	EB Receipts as Percent Total EB Receipts for Issue FY 2021	EB Percent Change FY 2020 to FY 2021
1	Tax Return Filings: Pre-Refund Wage Verification Hold	48,051	39.9%	23,993	17.9%	-50.1%
2	Tax Return Filings: Unpostables and Rejects	9,662	8.0%	21,393	16.0%	121.4%
3	Processing Amended Return	3,507	2.9%	12,408	9.3%	253.8%
4	Earned Income Tax Credit (EITC)	8,781	7.3%	10,893	8.1%	24.1%
5	Health Insurance Premium Tax Credit for Individuals	6,293	5.2%	10,475	7.8%	66.5%

IRS processing delays have caused TAS to experience a shift in the top issues for which taxpayers seek TAS assistance. As shown in Figures 4.2 and 4.3, greater numbers of taxpayers are seeking help with return processing issues. While these are important to taxpayers, there is little TAS can do other than monitor the taxpayer's account until the delayed return is processed and take time away from working more complex examination and collection issues where TAS plays a greater advocacy role.

### IRS BACKLOGS ALSO IMPACTED TAS'S USE OF TAXPAYER ASSISTANCE ORDERS

While the COVID-19 pandemic impacted much of TAS's work, TAS continued to use available authorities to advocate for taxpayers. Typically, when TAS lacks the statutory or delegated authority to resolve a taxpayer's problem, TAS coordinates with the responsible IRS Business Operating Division (BOD)/function and advocates for resolution by issuing an Operations Assistance Request (OAR). When an OAR is not sufficient to resolve the case, or when time is of the essence, TAS may issue a Taxpayer Assistance Order (TAO). The TAO is a powerful statutory tool, delegated by the National Taxpayer Advocate to Local Taxpayer Advocates (LTAs) to resolve taxpayer cases.<sup>36</sup> LTAs issue TAOs to order the IRS to take certain actions, cease certain actions, or refrain from taking certain actions.<sup>37</sup> A TAO may also order the IRS to expedite consideration of a taxpayer's case, reconsider its determination in a case, or review the case at a higher level.<sup>38</sup> If a taxpayer faces significant hardship and the facts and law support relief, an LTA may issue a TAO if the IRS refuses or otherwise fails to take the action TAS requested to resolve the case.<sup>39</sup> Once TAS issues a TAO, the BOD must comply with the order or appeal it for resolution at higher management levels.<sup>40</sup> Only the National Taxpayer Advocate or Commissioner or Deputy Commissioner of Internal Revenue may rescind a TAO issued by the National Taxpayer Advocate or designee, and unless that rescission occurs, the BOD must take the action(s) ordered in the TAO.<sup>41</sup>

In FY 2021, TAS issued 2,480 TAOs. Of the 2,480 TAOs issued, the IRS complied with 2,191 of them in approximately 24 days, meaning the IRS did not have a significant disagreement as to the resolution, and the taxpayers could have obtained relief sooner if the IRS had been more responsive to TAS.<sup>42</sup> Figure 4.4 reflects the results of all FY 2021 TAOs. Figure 4.5 shows the TAOs issued by FY.

**FIGURE 4.4, Actions Taken on FY 2021 TAOs Issued<sup>43</sup>**

Action	Total
IRS complied with the TAO	2,191
IRS complied after the TAO was modified	2
TAS rescinded the TAO	138
TAO pending (in process)	149
<b>Total</b>	<b>2,480</b>

**FIGURE 4.5, TAOs Issued in FYs 2016-2021<sup>44</sup>**

Fiscal Year	TAOs Issued
2016	144
2017	166
2018	1,489
2019	617
2020	96
2021	2,480

In FY 2020, TAS issued the lowest number of TAOs in the past five years. With the complete or partial shutdown of IRS core operations due to COVID-19, TAS recognized that in most instances, the IRS simply would not have been able to comply with a TAO and sought to work with the IRS to resolve taxpayer issues by issuing OARs. For this reason, from October through February 25 of FY 2021, TAS issued only 23 TAOs.<sup>45</sup>

However, as the IRS resumed normal operations, TAS expected IRS backlogs to decrease so that the IRS would again resolve taxpayer issues by taking timely actions on TAS's OARs. When this did not occur, TAS met with IRS leadership to determine the extent of the backlogs and negotiate ways to resolve taxpayer issues. These meetings with the IRS yielded no result in the timely resolution of taxpayer issues; therefore, TAS recognized the need to use TAOs to effect resolution, particularly in the area of Submission Processing.

On February 26, 2021, TAS issued 412 TAOs to the IRS Submission Processing function ordering the IRS to:

- Fully process the paper return (original, amended, or superseding) filed by the taxpayer within 30 days;
- In the event that the IRS could not locate the paper return filed by the taxpayer, provide TAS with an address where the taxpayer could resend the return and process the return within 30 days of receipt of the new return; and
- Deem the paper return (original, amended return, or superseding) as timely filed, calculate interest, and apply all statutes relating to collection, assessment, and refund, accordingly.<sup>46</sup>

As of September 30, 2021, the IRS complied with 345 of the 412 TAOs in an average of 68 days, TAS rescinded one TAO, and 66 remain open.<sup>47</sup>

On May 3, 2021, TAS issued 55 TAOs to the IRS Submission Processing function ordering the IRS to fully process amended returns filed by the taxpayer. As of September 30, 2021, the IRS has complied with 34 of the 55 TAOs in an average of 50 days, TAS rescinded five of the TAOs, and 16 remain open.<sup>48</sup>

Usually, the TAO is a powerful advocacy tool giving priority resolution to taxpayers experiencing a significant hardship. Yet it took *months* for the IRS to comply with the aforementioned TAOs. TAS is supposed to be a safety net for taxpayers. If the IRS no longer gives TAOs priority consideration, where does that leave taxpayers facing significant hardships?

## CONGRESSIONAL CASE TRENDS

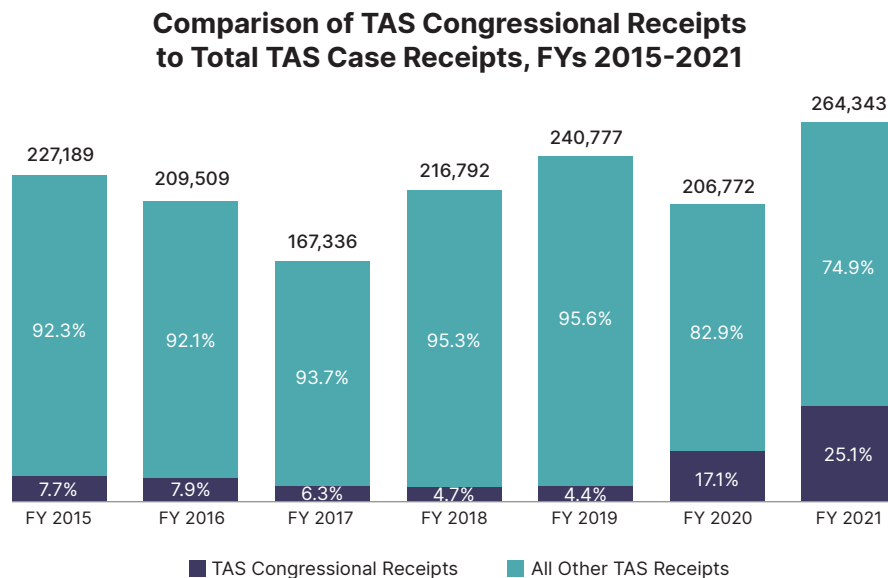
TAS independently reviews all tax account inquiries it receives via members of Congress. In FY 2021, TAS congressional receipts totaled 66,453 cases, an 88.5 percent increase from the previous fiscal year.<sup>49</sup> The shutdown of IRS operations due to COVID-19 in FY 2020 led to increased TAS congressional referrals, as many taxpayers were unable to contact the IRS and sought assistance from their congressional representatives and senators as a last resort. This trend continued in FY 2021, as taxpayers continued to face delays in return processing and the administration of new legislation.

As discussed, TAS was challenged with delays in resolving many taxpayer issues.<sup>50</sup> Figure 4.6 highlights the top ten issues in congressional cases for FY 2021. The Tax Return Filings: Unpostables and Rejects receipts increased by nearly 296 percent. Processing original and amended returns experienced large increases, but TAS could not effectively advocate until the IRS worked through backlogs.

**FIGURE 4.6, TAS Top Ten Congressional Receipts by Primary Core Issue Codes for FY 2021 Compared to FY 2020<sup>51</sup>**

Rank	Issue Description	FY 2020	FY 2021	Percent Change
1	Tax Return Filings: Unpostables and Rejects	4,710	18,648	295.9%
2	Processing Original Returns	4,368	9,233	111.4%
3	Processing Amended Returns	919	4,502	389.9%
4	Taxpayer Protection Program Issues	1,704	4,104	140.8%
5	Other Refund Inquiry or Issue	1,823	3,988	118.8%
6	Tax Return Filings: Pre-Refund Wage Verification Hold	8,316	3,930	-52.7%
7	Affordable Care Act Health Insurance Premium Tax Credit for Individuals	1,607	1,975	22.9%
8	Math Error	286	1,934	576.2%
9	Identity Theft	930	1,862	100.2%
10	Lost or Stolen Refund	499	1,344	169.3%
<b>Other Issues</b>		<b>10,095</b>	<b>14,933</b>	<b>47.9%</b>
<b>Total Congressional Receipts</b>		<b>35,257</b>	<b>66,453</b>	<b>88.5%</b>

Figure 4.7 illustrates the TAS congressional receipts from FY 2015 to FY 2021.

**FIGURE 4.7<sup>52</sup>**

Until such time as the IRS resolves its processing backlogs, TAS expects the increase in congressional referrals of taxpayer document processing issues to continue.

## Endnotes

- 1 Under IRC § 7803(c)(2)(C)(ii), the National Taxpayer Advocate has developed nine case criteria for referring taxpayers to TAS that fall within the following four main categories:
  - Economic Burden cases are those involving a financial difficulty to the taxpayer: an IRS action or inaction has caused or will cause negative financial consequences or have a long-term adverse impact on the taxpayer. See Internal Revenue Manual (IRM) 13.1.7.3.1, TAS Case Criteria 1-4, Economic Burden (Sept. 21, 2021).
  - Systemic Burden cases are those in which an IRS process, system, or procedure has failed to operate as intended, and as a result the IRS has failed to timely respond to or resolve a taxpayer issue. See IRM 13.1.7.3.2, TAS Case Criteria 5-7, Systemic Burden (Sept. 21, 2021).
  - Best Interest of the Taxpayer cases help ensure that taxpayers receive fair and equitable treatment and that their rights as taxpayers are protected. See IRM 13.1.7.3.3, TAS Case Criteria 8, Best Interest of the Taxpayer (Sept. 21, 2021).
  - Public Policy cases under this category will be determined by the National Taxpayer Advocate and will generally be based on a unique set of circumstances warranting assistance to certain taxpayers. See IRM 13.1.7.3.4, TAS Case Criteria 9, TAS Public Policy (Sept. 21, 2021); Interim Guidance Memorandum (IGM) TAS-13-1121-0013, Interim Guidance on Accepting Cases Under TAS Case Criteria 9, Public Policy (Nov. 8, 2021).

TAS changed its case acceptance criteria to generally stop accepting certain systemic burden issues. In addition, TAS stopped accepting certain cases in which it cannot expedite or improve assistance to taxpayers. See IRM 13.1.7.4, Exceptions to Taxpayer Advocate Service Criteria (Sept. 21, 2021). TAS temporarily amended this IRM. IGM TAS-13-0721-0009, Interim Guidance – Advance Child Tax Credit (July 2, 2021). IGM TAS-13-0521-0006, Interim Guidance on Exceptions to TAS Case Acceptance Criteria for Taxpayer Issues Related to Unemployment Compensation Received in Taxable Year 2020 (May 4, 2021). IGM TAS-0121-0003, Interim Guidance on Exceptions to TAS Case Acceptance Criteria Taxpayer Issues Solely Related to the Processing of Original and Amended Returns With No Indication of IRS Receipt of the Return (Jan. 19, 2021). IGM TAS-13-0121-0001, Interim Guidance on Exclusion From TAS Case Acceptance Criteria Taxpayers Impacted by Pre-Refund Wage Verification Hold and Amended Returns (Jan. 15, 2021). IGM TAS-13-1120-0018, Interim Guidance – Economic Impact Payments (Nov. 23, 2020).
- 2 See Taxpayer Bill of Rights (TBOR), [www.TaxpayerAdvocate.irs.gov/get-help/taxpayer-rights/](http://www.TaxpayerAdvocate.irs.gov/get-help/taxpayer-rights/). The rights contained in TBOR are also codified in the IRC. See IRC § 7803(a)(3).
- 3 TAS staff use Case Advocacy's findings as the basis for many of the Most Serious Problems and Legislative Recommendations in the National Taxpayer Advocate's Annual Report to Congress and Purple Book.
- 4 TAS's other functions involve identifying and proposing changes to systemic problems affecting taxpayers. TAS employees advocate systemically by identifying IRS procedures that adversely affect taxpayer rights or create taxpayer burden and by recommending solutions, either administrative or legislative, to improve tax administration. (Note: IRS employees, taxpayers, practitioners, and other external stakeholders can use the Systemic Advocacy Management System to submit systemic issues to TAS at [www.taxpayeradvocate.irs.gov/SAMS](http://www.taxpayeradvocate.irs.gov/SAMS).)
- 5 See Most Serious Problem: *Filing Season Delays: Millions of Taxpayers Experienced Difficulties and Challenges in the 2021 Filing Season*, *supra*. The 2021 filing season is with respect to the processing of individual tax returns for tax year 2020.
- 6 See American Rescue Plan Act (ARPA) of 2021, Pub. L. No. 117-2, 135 Stat. 4 (2021).
- 7 See *Congressional Case Trends*, *infra*.
- 8 TAS operates independently of any other IRS office and issues reports directly to Congress through the National Taxpayer Advocate. See IRC § 7803(c).
- 9 Data obtained from Taxpayer Advocate Management Information System (TAMIS) (Oct. 1, 2017; Oct. 1, 2021).
- 10 Case Advocates' primary responsibility is to work with taxpayers meeting TAS case acceptance criteria. TAS On Rolls Tracking Sheet Pay Period (PP) 19, FY 2017 and FY 2021.
- 11 Centralized Case Intake (CCI) Stats for September 2017; CCI Stats for September 2021.
- 12 See Erin M. Collins, TAS Facing Similar Challenges as the IRS: Processing Delays and Low Level of Service, NATIONAL TAXPAYER ADVOCATE BLOG (Sept. 1, 2021), <https://www.taxpayeradvocate.irs.gov/news/nta-blog-tas-facing-similar-challenges-as-the-irs-processing-delays-and-low-level-of-service/>.
- 13 See IGM TAS-13-0820-0016, Interim Guidance, Economic Impact Payments (Nov. 23, 2020); IGM TAS-13-0121-0001, Interim Guidance on Exclusion From TAS Case Acceptance Criteria Taxpayers Impacted by Pre-Refund Wage Verification Hold and Amended Returns (Jan. 15, 2021); IGM TAS-13-0121-0003, Interim Guidance on Exceptions to TAS Case Acceptance Criteria Taxpayer Issues Solely Related to the Processing of Original and Amended Returns With No Indication of IRS Receipt of the Return (Jan. 19, 2021); IGM TAS-13-0521-0006, Interim Guidance on Exceptions to TAS Case Acceptance Criteria for Taxpayer Issues Related to Unemployment Compensation Received in Taxable Year 2020 (May 4, 2021); IGM TAS-13-0721-0009, Interim Guidance – Advance Child Tax Credit (July 2, 2021); and IGM TAS-13-0921-0011, Interim Guidance to Temporarily Modify TAS Case Procedures, Suspend the TAS Quality Review Program, and Provide Procedures for QRP Employees to Assist With Case Closure to Address Rising Inventory Concerns (Sept. 8, 2021).
- 14 See *IRS Backlogs Also Impacted TAS Use of Taxpayer Assistance Orders*, *infra*.
- 15 See IGM TAS-13-0121-0003, Interim Guidance on Exceptions to TAS Case Acceptance Criteria Taxpayer Issues Solely Related to the Processing of Original and Amended Returns With No Indication of IRS Receipt of the Return (Jan. 19, 2021).
- 16 TAS and the Wage & Investment Division collaborated to expand TAS's delegated authorities during emergency situations to input certain taxpayer account adjustments involving Premium Tax Credit for Individuals with unpostable issues. See Delegation Order 13-4, Authority of Taxpayer Advocate Service Employees to Perform Certain Submission Processing Functions Related to Error Code 190, Affordable Care Act (ACA).
- 17 See IGM TAS-13-0921-0011, Interim Guidance to Temporarily Modify TAS Case Procedures, Suspend the TAS Quality Review Program, and Provide Procedures for QRP Employees to Assist With Case Closure to Address Rising Inventory Concerns (Sept. 8, 2021).
- 18 TAS received taxpayer inquiries from a variety of sources: telephone contacts to local TAS offices, correspondence (mail or fax), referrals from the IRS Business Operating Divisions/Functions, calls to the National Taxpayer Advocate toll-free line, congressional office contacts, etc. See IRM 13.1.16.8, Sources of TAS Cases and Initial Intake (Aug. 14, 2020).
- 19 IRS, JOC Snapshot Report, Product Line Detail Reports (weeks ending Sept. 30, 2018 and Sept. 30, 2021).
- 20 Data obtained from TAMIS (Oct. 1, 2017; Oct. 1, 2021).
- 21 See IGM TAS-13-0721-0002, Streamlining the Exceptions to Limitations on Taxpayer Advocate Service Case Criteria (July 7, 2021).



- 22 TAS Workforce Planning Report (July 12, 2021); ARPA, Pub. L. No. 117-2, 135 Stat. 4 (2021); Executive Order (E.O.) 14043: *Executive Order on Requiring Coronavirus Disease 2019 Vaccination for Federal Employees* (Sept. 9, 2021).
- 23 Extending Government Funding and Delivering Emergency Assistance Act, Pub. L. No. 117-43 (Sept. 21, 2021).
- 24 Data obtained from TAMIS (Oct. 1, 2020; Oct. 1, 2021).
- 25 In FY 2017, document processing issues accounted for 20 percent of TAS case receipts; 18 percent in FY 2018; 18 percent in FY 2019; and 23 percent in FY 2020. Data obtained from TAMIS (Oct. 1, 2017; Oct. 1, 2018; Oct. 1, 2019; Oct. 1, 2020; Oct. 1, 2021).
- 26 Data obtained from TAMIS (Oct. 1, 2021).
- 27 The TAS CCI function serves as the first contact for most taxpayers coming to TAS for assistance. Intake Advocates are responsible for answering calls and conducting in-depth interviews with taxpayers to determine the correct disposition of their issue(s). Intake Advocates take actions where possible to resolve the issue upfront, create cases after validating the taxpayer meets TAS criteria, and offer taxpayers information and assistance with self-help options. See IRM 13.1.16.2, TAS Intake Strategy (Aug. 14, 2020).
- 28 TAS also has Intake Advocates in the CCI function.
- 29 Data obtained from TAMIS (Oct. 1, 2021); IRS, Joint Operations Center (JOC), Snapshot Report (Sept. 30, 2021).
- 30 Data obtained from TAMIS (Oct. 1, 2020; Oct. 1, 2021).
- 31 IRM 13.1.16.18.1.2, Primary Issue Code (Aug. 14, 2020) (stating the primary core issue code is a three-digit code that defines the most significant issue, policy, or process within the IRS that underlies the cause of the taxpayer's problem).
- 32 Data obtained from TAMIS (Oct. 1, 2020; Oct. 1, 2021). The "Other TAS Receipts" category encompasses the remaining issues not in the top ten. Unpostable and Reject issues occur when errors are made when filing returns cause the IRS to have to request additional information from the taxpayer before the IRS is able to process the return. Pre-Refund Wage Verification Hold is the IRS program to detect and prevent non-identity theft refund fraud. See IRM 25.25.3.1(1), Program Scope and Objectives (Aug. 30, 2019).
- 33 For the tenth consecutive fiscal year, more than half of TAS's case receipts involve taxpayers experiencing EB. Data obtained from TAMIS (Oct. 1, 2012; Oct. 1, 2013; Oct. 1, 2014; Oct. 1, 2015; Oct. 1, 2016; Oct. 1, 2017; Oct. 1, 2018; Oct. 1, 2019; Oct. 1, 2020; Oct. 1, 2021).
- 34 IRM 13.1.18.6(1), Initial Contact Completed by Case Advocates (Aug. 25, 2021); IRM 13.1.16.7(1), Initial Contact During Intake (Aug. 14, 2020). The TAS employee is required to contact the taxpayer or representative by telephone within three workdays of the taxpayer advocate received date (TARD) for criteria 1-4 cases and within five workdays of the TARD for criteria 5-9 cases to notify the taxpayer of TAS's involvement. Per IRM 13.1.18.5(1), Initial Actions (Aug. 25, 2021), TAS's policy is that cases involving EB will be worked sooner than other cases.
- 35 Data obtained from TAMIS (Oct. 1, 2020; Oct. 1, 2021). Pre-Refund Wage Verification Hold is the IRS program to detect and prevent non-identity theft refund fraud. See IRM 25.25.3.1(1), Program Scope and Objectives (Aug. 30, 2019). Unpostable and Reject issues occur when errors are made when filing returns cause the IRS to have to request additional information from the taxpayer before the IRS is able to process the return.
- 36 IRC § 7811(f) states that for purposes of this section, the term "National Taxpayer Advocate" includes any designee of the National Taxpayer Advocate. See IRM 1.2.2.12.1, Delegation Order 13-1 (Rev. 1), Authority to Issue, Modify or Rescind Taxpayer Assistance Orders (Mar. 17, 2009).
- 37 IRC § 7811(b)(2); Treas. Reg. § 301.7811-1(c)(2); IRM 13.1.20.3, Purpose of Taxpayer Assistance Orders (Dec. 15, 2007).
- 38 Treas. Reg. § 301.7811-1(c)(3); IRM 13.1.20.3, Purpose of Taxpayer Assistance Orders (Dec. 15, 2007).
- 39 IRC § 7811(a)(1)(A); Treas. Reg. § 301.7811-1(a)(1) and (c).
- 40 IRM 13.1.20.5(2), TAO Appeal Process (Dec. 9, 2015).
- 41 IRC § 7811(c)(1); Treas. Reg. § 301.7811-1(b).
- 42 Data obtained from TAMIS (Oct. 1, 2021). Uncorrected data entry errors led to negative values for the number of days from TAS issued date to the IRS complied date. This means average days until compliance data may be slightly understated.
- 43 Data obtained from TAMIS (Oct. 1, 2021).
- 44 Data obtained from TAMIS (Oct. 1, 2016; Oct. 1, 2017; Oct. 1, 2018; Oct. 1, 2019; Oct. 1, 2020; Oct. 1, 2021).
- 45 Data obtained from TAMIS (Oct. 1, 2020; Oct. 1, 2021).
- 46 Data obtained from TAMIS (Oct. 1, 2021). Uncorrected data entry errors led to negative values for the number of days from TAS issued date to IRS complied date. This means average days until compliance data may be slightly understated.
- 47 *Id.*
- 48 *Id.*
- 49 From April through September, TAS cases received from congressional offices increased nearly 345 percent from FY 2020 to FY 2021. *IRS Processing Delays Challenge TAS's Already Limited Resources and Impact the Ability to Promptly Assist Taxpayers, supra.* Data obtained from TAMIS (Oct. 1, 2020; Oct. 1, 2021).
- 50 *See IRS Processing Delays Challenge TAS's Already Limited Resources and Impact the Ability to Promptly Assist Taxpayers, supra.*
- 51 Data obtained from TAMIS (Oct. 1, 2020; Oct. 1, 2021). Unpostable and Reject issues occur when errors are made when filing returns cause the IRS to have to request additional information from the taxpayer before the IRS is able to process the return. Pre-Refund Wage Verification Hold is the IRS program to detect and prevent non-identity theft refund fraud. See IRM 25.25.3.1(1), Program Scope and Objectives (Aug. 30, 2019).
- 52 Data obtained from TAMIS (Oct. 1, 2015; Oct. 1, 2016; Oct. 1, 2017; Oct. 1, 2018; Oct. 1, 2019; Oct. 1, 2020; Oct. 1, 2021).