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Viewpoints: Collection Due Process Hearings Should Be Expedited

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In this article, the authors argue that the collection due process hearings have failed in their objective of expediting cases and recommend creating stricter time-frame guidelines for CDP hearings.

In 1998 Congress created new collection due process hearings under sections 6320 and 6330[1] to allow taxpayers to object to the IRS having filed a notice of federal tax lien or to object in advance to the IRS's notice of intention to make its first levy. Congress clearly hoped that CDP would be quick. It allowed taxpayers only 30 days after the mailing of either notice to request a hearing with IRS Appeals[2] and allowed only 30 days for a taxpayer to file a Tax Court petition contesting the notice of determination issued by the Appeals officer[3] — that is, one-third of the usual 90 days allowed to file a Tax Court petition in response to a notice of deficiency.[4] Clearly, this put pressure on taxpayers to expedite the process; however, it appears that Congress neglected to notice that it placed no pressures on the IRS to move faster than usual.

In the authors' experience, Appeals usually issues notices of determination less than six months after a CDP notice is issued.[5] But sometimes, for no apparent reason, the IRS takes a lot longer.

The authors urge Congress to put pressure on the IRS to keep CDP an expedited process by amending the code to provide that if the IRS does not issue a notice of determination in a reasonable period of time, discussed below, there would be adverse consequences. This pressure can be accomplished by both untolling the statute of limitations on collection and suspending the accrual of interest and time-sensitive penalties after a certain period until the Appeals officer issues the notice of determination. There is precedent for both of these ideas in the code when it comes to other types of proceedings. The logic of those other provisions applies with greater force to CDP, since it is intended to be an expedited process.[6]

Background

The code requires taxpayers to pay — without notice and demand or assessment — taxes they show on returns.[7] If a taxpayer does not pay the taxes shown on a return or taxes assessed after the filing of the return, the IRS must send the taxpayer a notice and demand for payment within 60 days after assessment.[8] Assessment of a tax liability shown on a return happens when the return is received, processed, and the IRS assessment officer signs the appropriate form. In the case of income, estate, gift, and certain excise taxes, assessment of additional tax not shown on the return happens when the IRS assessment officer signs the appropriate form after the IRS has determined a deficiency and (1) the taxpayer consents to or does not contest the deficiency or (2) the taxpayer challenges the deficiency and the Tax Court redetermines it.[9] Interest and penalties are generally assessed and collected in the same manner as taxes.[10]

If a taxpayer neglects or refuses to pay the taxes, penalties, and interest shown in a notice and demand, a lien arises on all of the taxpayer's property and rights to property.[11] But persons who deal with the taxpayer do not know that the lien has arisen unless the IRS files a "notice of federal tax lien" in some local or state office or

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[1]Unless otherwise indicated, all section references are to the Internal Revenue Code.

[2]Sections 6320(a)(3)(B) and 6330(a)(3)(B).

[3]Section 6330(d).

[4]Section 6213(a) (or 150 days if the notice is addressed to a taxpayer outside the United States).

[5]This was also true earlier in the 10-year evolution of the CDP regime. *See* National Taxpayer Advocate 2002 Annual Report to Congress, "Most Serious Problem: Collection Due Process (CDP)," at 110-115, *Doc 2003-568, 2003 TNT 12-11.*

[6]This article focuses on the delays present during the administrative processing of a CDP matter. The authors intend to follow up with a separate article focusing on the delays present during the litigation phase of CDP, showing how those delays also undermine the intentions of Congress in creating this expedited procedure for addressing collection issues.

[7]Section 6151(a).

[8]Section 6303(a). In most assessments, the IRS sends the notice and demand just before the actual assessment date. (Usually, it is sent on the Saturday before the assessment is recorded on the following Monday.) In rare cases, the IRS may make demand in person and may demand immediate payment. Refusal to pay on such demand can cause the lien to arise at that time. Section 6321.

[9]Sections 6201(a)(1) and 6211-6215.

[10]Sections 6601(e) and 6665.

[11]Section 6321.

court.[12] The IRS's filing of a notice of federal tax lien gives its lien priority over certain other persons, such as lenders, later judgment lien creditors, mechanics lien holders, and certain later purchasers.[13] The IRS may file a notice of federal tax lien at any time after the lien arises. Before 1996, once the IRS filed a notice of federal tax lien, the IRS removed the lien only in the limited circumstances set forth in section 6325. Greater flexibility to undo the filing of the federal tax lien occurred with the passage of the Taxpayer Bill of Rights II in 1996 and the adoption of section 6323(j) permitting the withdrawal of the lien in certain circumstances.[14] Withdrawal of the lien is usually the focus of CDP hearings under section 6320.

Before 1998, once the tax lien arose, the IRS was allowed to make an administrative levy on a subset of the taxpayer's property subject to the lien without judicial approval.[15] The only restrictions on the IRS levy were that (1) the IRS had to wait for 10 days after the notice and demand and (2) thereafter, had to send the taxpayer a notice of intention to levy giving the taxpayer 30 days to work out some payment plan with the IRS to avoid the levy.[16] The notice of intention to levy had to be issued only before the first levy, not each successive levy for the same liability.[17]

After a series of hearings on alleged IRS collection abuses in 1998, Congress added sections 6320 and 6330 to the code to provide taxpayers with a right to request a CDP hearing with an Appeals officer within the 30-day period after the first notice of intention to levy for a specific period was issued or up to 30 days after the IRS notified the taxpayer that it had, within the prior 5 business days, filed the first notice of federal tax lien for a specific period.[18] In the hearing, the taxpayer could ask that the notice of tax lien be withdrawn or that no levy go forward. The taxpayer could also raise "appropriate spousal defenses," propose collection alternatives (such as an installment agreement, an offer in compromise, or being placed into currently not collectible status), and/or, in limited circumstances, challenge the underlying tax liability. The Appeals officer was directed to take into consideration "whether any proposed collection action balances the need for the efficient collection of taxes with the legitimate concern of the person that any collection action be no more intrusive than necessary."[19] Congress acknowledged the need for efficient and speedy collection of assessed liabilities, but sacrificed a little of that speed and efficiency in order to give taxpayers additional rights.[20]

A little over two years before the enactment of these provisions, Appeals created a quick, internal "Collection Appeals Program" (CAP). CAP allowed taxpayers to challenge certain lien, levy, or seizure actions proposed by IRS lower-level collection employees. In January 1997, the IRS added appeals for installment agreements proposed for termination to the CAP.[21] The CAP program operated on an expedited basis, since any time spent reviewing the proposed action did not toll the statute of limitations on collection after assessment. In general, section 6502(a) provides that the IRS may collect assessed taxes, penalties, and interest only by making a levy or filing a proceeding in court within 10 years after the date the tax (or penalty) was assessed.[22]

Congress patterned CDP on CAP,[23] but made some changes.

First, under CDP, but not CAP, if a taxpayer does not agree with the Appeals officer's determination, the taxpayer may challenge the ruling in the Tax Court within 30 days of the issuance of the notice of determination.[24] The 30-day period was clearly chosen in preference to the usual 90-day period to file a Tax Court petition (say, in response to notices of deficiency under section 6213(a) or in response to notices of determination for relief from

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[12]Section 6323(f).

[13]Section 6323(a).

[14]P.L. 104-168, section 501(a).

[15]Sections 6331 and 6334.

[16]Section 6331(a) and (d). These time periods presume that a jeopardy situation does not exist. If the IRS determines that jeopardy exists, the IRS need not wait for these time periods before it commences collection activity. Of course, if the IRS collapses the time period based on jeopardy, it needs to be able to prove that jeopardy existed. Section 6331(a) and (d)(3).

[17]*See McCoy v. United States*, 1992 U.S. Dist. Lexis 18326 (N.D. Tex. 1992). ("The notice provision of section 6331(d) refers to the 'notice of intent to levy' that is given by the IRS when the tax liability initially becomes due and owing, that is, after the taxes have been assessed. . . . Section 6331(d) does not require additional notices of intent to levy to be given to the taxpayer each time collection efforts are undertaken through the use of a levy or through the use of a notice of levy; *See Glover v. Walters*, 72-1 U.S.T.C. 9377 (S.D. Fla. 1972).")

[18]Sections 6320(a) and 6330(a); reg. section 301.6320-1(b)(2) question and answer (Q&A) B1 and B2 (lien); reg. section 301.6330-1(b)(2) Q&A B2. (levy).

[19]Section 6330(c).

[20]*See* Leslie Book, "The Collection Due Process Rights: A Misstep or a Step in the Right Direction?" 41 *Hous. L. Rev.* 1145, 1169 (Winter 2004). ("The pre-CDP lack of review for collection determinations reflected practical concerns about the need to collect taxes without unwanted delay, and CDP reflects Congress's newfound willingness to sacrifice somewhat efficiency in collections to promote rule of law principles.")

[21]H.R. Conf. Rep. No. 105-599, 105th Cong., 2d Sess. (June 24, 1998) p. 291, 1998-3 C.B. 747, 1045.

[22]Because additional interest can be assessed throughout the 10-year period, the code prevents each subsequent interest assessment from commencing a new 10-year collection period by providing that interest may only be collected during the period in which the tax (and penalty) to which the interest relates may be collected. Section 6601(g).

[23]CAP still exists and has not been repealed. Internal Revenue Manual 5.1.9.4 "Collection Appeals Program" (rev. Jan. 1, 2007), provides, in part:

> (1) In addition to the Collection Due Process (CDP) hearing rights . . . taxpayers can also appeal certain collection actions under the Collection Appeals Program (CAP). . . . A CAP appeal can provide an expedited review of a specific collection action that may satisfactorily address the taxpayer's concern. The CDP hearing provides for further judicial review and retained jurisdiction.
> (2) Taxpayers can appeal under CAP when they are told by an IRS employee that a lien, levy or seizure action will be or has been taken, or that an installment agreement is rejected or terminated.

[24]Section 6330(d).

joint and several tax liability under section 6015(e)) because Congress wanted to make even the CDP appeal an expedited matter.

Second, under CDP, but not CAP, Congress provided that the statute of limitations on collection under section 6502(a) would be tolled throughout the CDP hearing process before the IRS and in any court proceeding appealing the Appeals officer's ruling.[25] Also, under CDP, the IRS would be prohibited from levying during the same periods.[26]

It is customary to toll the collection period during any period in which a levy is prohibited. For example, when a Tax Court case is pending seeking redetermination of a deficiency, no levy of the deficiency is permitted, and the statutes of limitations both on assessment and collection are tolled.[27] When a petition is filed in bankruptcy, the automatic stay prohibits any levy to collect prepetition taxes while the stay is in effect, and so the statute of limitations on collection is tolled while the stay prohibits collection action and for six months thereafter.[28] In both of these situations, though, the IRS cannot control how long the courts will take with the matter, so it makes sense that the tolling continue throughout the court proceedings, however long they take.

In the case of a proposed OIC, levy is also prohibited while the collections employees are considering it and, if the taxpayer appeals an OIC denial, while the Appeals officer is considering the OIC. The collection statute of limitations is also tolled for both periods.[29] However, since 2006, if the IRS collection employees fail to rule one way or another on the proposed OIC within two years, the OIC is deemed accepted, and the tolling stops.[30] So, Congress does not let the IRS take forever to consider the OIC, but puts pressure on it to act within a reasonable time while the tolling is in effect. In such a case, the IRS has only itself, not the courts, to blame for delay.

Before coming to the problem and proposed solution, one other thing must be considered. During CDP (both at Appeals and during court proceedings), interest and penalties continue to accrue. Further, most people who request a CDP hearing are subject to late-payment penalties under section 6651(a)(2) or (3). Normally, such penalties accrue at the rate of 0.5 percent per month, although they stop accruing after 50 months when the maximum penalty of 25 percent is reached. A taxpayer who gets a notice of intention to levy and asks for a CDP hearing, however, faces an enhanced late-payment penalty. Under section 6651(d), the late-payment penalties rise to 1 percent per month 10 days after the IRS issues the notice of intention to levy. The maximum late-payment penalty is still capped at 25 percent, but the rate of its accrual is accelerated as a result of the issuance of the notice of intention to levy.

When the IRS dawdles in issuing a notice of determination in a CDP matter at present, it suffers no loss of time remaining on the collections statute of limitations and potentially benefits by the additional accrual of interest and enhanced penalties. By contrast, taxpayers find it harder and harder to emerge from CDP with an ability to pay the enhanced liability balances. Unless the IRS accepts a fixed OIC, a taxpayer ends up farther behind the eight ball when it comes to paying off the liability in full because of the CDP request. While the IRS may seem to benefit from this situation, it may lose the more it dawdles, since IRS statistics show that the longer a liability takes to be collected, the less the IRS ultimately collects as a percentage of what is due.[31] Therefore, a wise IRS manager will not let an Appeals officer take unnecessary time to hold the hearing and issue the notice of determination.

Proposals

To carry out the intent of the creators of CDP for an expedited process, the authors propose that the tolling of the statute of limitations on collection end six months after the CDP notice is sent if the taxpayer makes a timely CDP request. However, the authors would not propose altering one current protection of the CDP statute: that in no event can the collection period expire before the 90th day after the date on which there is a final determination (by the IRS or the courts) in that hearing.[32] Creating a limit to the tolling period does not impose a specific deadline on the IRS by which it must issue the CDP ruling, nor does it impose on the IRS an acceptance of the collection alternative in a manner similar to the acceptance of an OIC not accepted within 2 years.[33] It does provide the IRS with an incentive to conclude the administrative portion of CDP before the statute of limitations begins running again. Such an incentive may serve to expedite CDP and restore the intent of its creators.[34]

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[25]Section 6330(e)(1).

[26]*Id.*

[27]Sections 6213(a) and 6503(a)(1). In most Tax Court cases the statute of limitations on collection has not begun because the Tax Court proceeding is usually a preassessment action. Nonetheless, if assessment had occurred before or during the Tax Court proceeding, the collection statute is suspended.

[28]Section 6503(h).

[29]Section 6331(i)(5) and (k)(1) and (3)(B).

[30]Section 7122(f), added by section 509(b)(2), P.L. 109-222, 120 Stat. 363. Consistent with the above rule regarding court cases, this subsection also provides that any period during which any tax liability that is the subject of such OIC is in dispute in any judicial proceeding is not taken into account in determining the expiration of the two-year period.

[31]*See* National Taxpayer Advocate 2006 Annual Report to Congress, "Most Serious Problem: Early Intervention in IRS Collection Cases," at 62-82, *Doc 2007-671, 2007 TNT 7-23*; National Taxpayer Advocate 2007 Annual Report to Congress, "Most Serious Problem: Offer in Compromise," 376. ("On average, acceptable offers generate more revenue than the IRS would otherwise collect. In FY 2007, accepted offers generated 17 cents for every $1 owed. By contrast, IRS research indicates that the IRS has historically collected only 13 cents for every $1 owed on debts that are two years old and virtually nothing on debts that have been outstanding for three years or more.")

[32]Section 6330(e)(1).

[33]*See* section 7122(f).

[34]It may also serve as an incentive for the IRS to revise its current administrative practice regarding CDP hearings. The current practice can best be described as "wait and hurry up." After submission of the CDP request, the taxpayer waits to hear when a hearing will be scheduled. It usually takes 6 to 10 weeks.

(Footnote continued on next page.)

The statute of limitations on collection tolls from the time when a taxpayer requests a CDP hearing until the CDP matter comes to a conclusion. That tolling could last a long time and currently passes seamlessly from the administrative process to the judicial process. This proposal would cap the amount of time in which tolling would occur on the administrative side of the equation, but if the taxpayer petitions the Tax Court, tolling recommences on the date the notice of determination is issued.

The proposal caps the tolling of the statute of limitations on collection at six months.[35] The administrative portion of the CDP hearing process ends with the issuance of the notice of determination and the 30-day period thereafter for the taxpayer to petition the Tax Court. To keep the statute of limitations on collection from beginning to run again, the IRS must issue the notice of determination within six months of the CDP-triggering notice. If the IRS issues the notice of determination within six months from the issuance of the CDP-triggering notice, the six-month period of the tolling of the statute of limitations will cover the administrative portion of CDP. At the end of six months, the taxpayer will either be back in the collection stream or will have filed a Tax Court petition placing the taxpayer into the judicial process. Only the judicial process further tolls the statute of limitations on collection.

The concept of tolling a statute of limitations for a set period of time while recognizing that the IRS may take more time than the tolling period to work through a case is not unique. This approach exists in the interest and penalty provisions under section 6404(g). Section 6404(g) was originally enacted in 1998 and limited the IRS to an 18-month period within which to complete an audit or lose subsequently accruing interest and certain penalties. Since passage of section 6404(g), the time frame within which the IRS must complete the audit has expanded to 36 months,[36] but the concept remains the same. That concept provides a parallel to our proposal regarding the statute of limitations on collection in CDP. Section 6404(g) does not prohibit the IRS from completing its audit after 36 months,[37] but only limits the interest and some penalties (such as late-payment penalties) that it will recover when it does so.

Another provision that puts time limitations on the IRS to act exists in the recently enacted section 7122(f).[38] As noted above, this provision requires that the IRS act on an OIC within 24 months of submission or the OIC will be deemed accepted. The automatic acceptance of section 7122(f) is obviously a stronger remedy than our proposal, but the concept of putting statutory limits on the time for IRS consideration in a collection matter provides a close parallel.[39]

The willingness that Congress has demonstrated to dictate time frames in certain instances together with its clearly expressed intent to create CDP as an expedited process suggests that sections 6320 and 6330 are provisions that could benefit from time frames during consideration. The decade of experience with CDP in which many hearings have taken long periods of time to clear the administrative process provides a basis for action to ensure that the original intent of an expedited hearing is not lost and taxpayers are not disadvantaged by choosing to have a CDP hearing only to find that interest and penalties have mounted significantly.

During this time, the taxpayer who wants to submit a collection alternative cannot put together a Form 433-A statement of financial information for fear that it will grow stale before the hearing. When the taxpayer finally gets a letter from Appeals, the letter typically sets the hearing at 14 days from the date of the letter and provides that the Form 433-A should be submitted before the hearing. Since the letter takes several days to get to the taxpayer, and, at the very least, it takes a day to overnight mail the completed Form 433-A to Appeals, this puts a lot of pressure on the taxpayer and the taxpayer's representative to gather and submit information in only a little over one week. This is too short a time. A diligent taxpayer almost inevitably must then ask Appeals for an extension of a few weeks — an extension that is routinely granted. This extension delays the hearing even more. Perhaps the letter setting the meeting could come earlier in the process and would automatically allow more than 14 days to gather and submit necessary information for the meeting. If this were the practice, we suspect that extensions to prepare an accurate Form 433-A would be unnecessary — thus speeding up CDP.

[35]With the statute of limitations on collection running again after the six-month period of tolling, the possibility exists that the IRS will let the statute draw down to a dangerously low level (although never less than 90 days). Reasons could exist for a delayed administrative consideration of a taxpayer's CDP request, such as the taxpayer proposing a collection alternative that takes time to unfold (e.g., the sale of a particular piece of property by the taxpayer rather than through the IRS levy process). On the other hand, the certainty of the impending untolling of the statute of limitations could bring needed focus. The authors similarly recommend that the IRS and the taxpayer not be allowed to extend by agreement the proposed six-month period for statute tolling in CDP.

[36]Small Business and Work Opportunity Tax Act of 2007, P.L. 110-38, section 8242(a).

[37]The statute of limitations on assessment generally expires 36 months (or three years) from the filing of the return. Section 6501(a). The provision of section 6404(g) does not affect the running of the statute of limitations on assessment. For the IRS audit to end after the three-year period, the IRS would need to point to one of the many exceptions to the three-year statute of limitations on assessment, found elsewhere in section 6501 or in section 6503.

[38]Any offer in compromise submitted under this section shall be deemed to be accepted by the secretary if such offer is not rejected by the secretary before the date which is 24 months after the date of the submission of each offer. For purposes of the preceding sentence, any period during which any tax liability which is the subject of such offer in compromise is in dispute in any judicial proceeding shall not be taken into account in determining the expiration of the 24-month period.

Enacted as part of the Tax Increase Prevention and Reconciliation Act of 2005, P.L. 109-122, section 509(b)(2).

[39]Other parallels exist demonstrating Congress's willingness to place time limits on action. One example in which Congress placed a time limit is the Bankruptcy Code (11 U.S.C. section 362(e)(1)), in which it limited to 30 days the time in which the Bankruptcy Court must rule on a request to lift the automatic stay.

Because Congress has spoken in other areas of the code to toll the statute of limitations on collection independent of the CDP tolling — such as when a taxpayer proposes an installment agreement or an OIC or a taxpayer is outside the United States continuously for a period of six months[40] — consideration needs to be given to the interaction of those provision with our proposal. It seems to us that it makes sense that a taxpayer who submits an OIC in the midst of a CDP hearing should expect that the IRS may need considerable time to investigate it and that Congress has already spoken (through section 7122(f)) by saying that as much as two years can be taken for an OIC investigation. However, it rarely takes the IRS much time to decide whether an installment agreement is appropriate — and the proper amount of any monthly payment. We would make our proposal to toll the statute of limitations suspension subject to all other tolling sections in the code, with the exception of the tolling that happens when an installment agreement is requested. We think it is possible that many taxpayers will ask for particular installment agreements even as early as their Form 12153 requesting a CDP hearing. Our proposal would be made superfluous in the case of installment agreement requests in the course of CDP hearings if, simply because a taxpayer made such a request in the Form 12153, the collection statute could be tolled no matter how long the CDP hearing process took.

For those who like to see a concrete proposal to think about it, here is our proposed wording: In section 6330(e)(1), after the sentence that reads, "In no event shall any such period expire before the 90th day after the day on which there is a final determination in such hearing," we would add as follows:

> A suspension of the period of limitations under section 6502 under this paragraph shall cease six months after the notice under paragraph (a)(1), but, if an appeal is filed in the Tax Court under paragraph (d)(1), such suspension shall recommence on the date of the determination under paragraph (c)(3). Except with respect to the suspension under section 6331(k)(2)(A) of the running of the period of limitations under section 6502 while a request for an installment agreement under section 6159 is pending, the preceding sentence shall not apply if any other provision of law suspends the running of the period of limitations under section 6502 simultaneously.

To address the issue of mounting interest and time-sensitive penalties, another possible avenue for revision of the statute is to adopt a provision similar to section 6404(g) to stop the further accrual of interest and penalties once the administrative portion of the hearing exceeds six months.

As discussed above, the rate of accrual of the late payment penalty actually accelerates during a section 6330 CDP case because of the issuance of the notice of intent to levy. When this increased rate is coupled with delays in the conclusion of the CDP hearing, the taxpayer quickly reaches the 25 percent statutory maximum for the penalty. Increasing the penalty on taxpayers seeking to work out their collection problems seems contrary to the purpose behind the CDP provisions. If further accrual of the penalty stops when the six-month period for administrative consideration passes, the burden imposed on a taxpayer requesting relief through CDP more closely matches the intent in creating this remedy.[41]

While the interest rate does not accelerate after the issuance of the levy notice, allowing interest to continue to accrue when a CDP case is delayed in the administrative process presents a similar burden for a taxpayer.

Just as Congress expects the IRS to complete its audit of a taxpayer in a timely fashion or forgo some interest and penalties, it should also expect the IRS to complete its determination of the correct collection action or forgo some interest and penalties in a similar fashion. Adopting a time frame within which the CDP administrative hearing should ordinarily be completed that is linked to suspension of further accrual of interest and time-sensitive penalty charges provides a reasonable parallel between the examination and collection provisions of the code as well as an incentive to complete the CDP hearing on an expedited basis.

Conclusion

With a decade of experience with CDP, the type of expedited hearing envisioned by Congress in creating the process often seems lost. To recapture the expedited nature of the CDP hearing and to keep from punishing taxpayers seeking CDP relief, the adoption of our proposal to impose time frames for the administrative process, coupled with consequences where the time frames are not met, seems a practical solution and one that meshes with similar situations in which Congress has previously imposed time frames on the IRS to encourage quick action. Expediting CDP would not only reclaim the original intent of CDP but would benefit the IRS by

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[40]Section 6503(c).

[41]Stopping further accrual of interest and penalties after six months raises issues in situations in which the taxpayer has delayed the process by not quickly responding to IRS requests for information and documents. In most cases, those issues are simply answered by the IRS issuing a notice of determination denying the CDP request. If the taxpayer requests a delay because of a physical or mental problem keeping the taxpayer from adequately working with the IRS, the settlement officer will be placed in the difficult position of denying a request for delay because of the desire to complete the CDP administrative process while facing the concern that such a denial in the face of a good-faith request for delay could be viewed by the Tax Court as a basis for remand. *Compare Judge v. Commissioner*, T.C. Memo. 2009-135, *Doc 2009-13220, 2009 TNT 110-10* (finding abuse of discretion when a settlement officer refused to grant a brief extension to submit updated financial information) *with Chandler v. Commissioner*, T.C. Memo. 2005-99, *Doc 2005-10098, 2005 TNT 89-13* (finding no abuse of discretion when taxpayer failed to submit requested information). We leave it to the Tax Court to work out the tension in these situations, taking as our proposed guide that a settlement officer is under legitimate pressure not to grant extensions beyond the six-month period absent fairly unusual circumstances.

reducing the drag on the entire collection process. As mentioned above, delays in collection time reduce collection receipts.