Kennelly v. Commissioner, 56 T. C. 936 (1971)

Taxpayers must meet strict substantiation requirements for entertainment and taxi expense deductions under sections 162 and 274 of the Internal Revenue Code.

Summary

Norman E. Kennelly, employed by This Week Magazine and also a playwright, sought to deduct entertainment and taxi expenses for 1965 and 1966. The IRS disallowed these deductions. The Tax Court held that Kennelly failed to substantiate his entertainment expenses as required by section 274(d), and his claimed taxi expenses were not deductible because they were reimbursable by his employer but not claimed. The decision emphasizes the need for detailed records and corroborative evidence to support such deductions, impacting how similar claims are substantiated in future tax cases.

Facts

Norman E. Kennelly was employed by This Week Magazine as a manager of presentations and was also a playwright. He claimed entertainment expenses of $2,460. 44 and $1,796. 76 for 1965 and 1966, respectively, related to his employment, and additional entertainment expenses related to his playwriting activities. He also claimed taxi expenses of $1,314. 40 and $1,320. 60 for those years. The IRS disallowed portions of these claims. Kennelly maintained personal cash diaries for these expenditures, but these diaries did not meet the substantiation requirements of section 274(d) for the entertainment expenses related to his employment. The taxi expenses were reimbursable by This Week Magazine, but Kennelly did not claim reimbursement.

Procedural History

Kennelly and his wife filed joint income tax returns for 1965 and 1966. The IRS determined deficiencies and disallowed the claimed deductions for entertainment and taxi expenses. Kennelly petitioned the United States Tax Court, which found in favor of the Commissioner, holding that Kennelly failed to meet the substantiation requirements for the entertainment expenses and could not deduct the taxi expenses because they were reimbursable but not claimed.

Issue(s)

1. Whether the petitioners are entitled to deductions for entertainment expenses for the taxable years 1965 and 1966 under sections 162 and 274 of the Internal Revenue Code.
2. Whether the petitioners are entitled to deductions for taxi expenses for the taxable years 1965 and 1966 beyond the amounts allowed by the respondent.

Holding

1. No, because the petitioners failed to substantiate the entertainment expenses as required by section 274(d).
2. No, because the taxi expenses were reimbursable by the petitioner's employer but not claimed, and thus not deductible by the petitioners.

Court's Reasoning

The Tax Court applied sections 162 and 274 of the Internal Revenue Code to determine the deductibility of the entertainment and taxi expenses. For entertainment expenses, the court noted that while Kennelly's claimed expenses related to his employment at This Week Magazine might be considered ordinary and necessary under section 162, he failed to meet the substantiation requirements of section 274(d). The court emphasized the need for detailed records or corroborative evidence to establish the amount, time, place, business purpose, and business relationship of the entertainment expenses. Kennelly's personal diaries did not contain this information. Regarding the taxi expenses, the court held that since these were reimbursable by his employer but not claimed, they could not be deducted by Kennelly. The court referenced prior cases like LaForge and Coplon to support its reasoning.

Practical Implications

This decision reinforces the strict substantiation requirements for entertainment expense deductions, requiring taxpayers to maintain detailed records and corroborative evidence. It impacts how similar cases are analyzed by emphasizing the need for contemporaneous documentation of business-related expenses. For legal practitioners, this case underscores the importance of advising clients on proper record-keeping for tax deductions. Businesses must ensure that employees seeking reimbursement for expenses follow company policies to claim deductions effectively. This ruling has been cited in subsequent cases to clarify the substantiation standards under section 274(d), affecting how tax professionals substantiate client claims.