***Abeles v. Commissioner, 90 T. C. 103 (1988)***

A taxpayer's last known address for the purpose of a notice of deficiency is the address on their most recently filed return unless clear and concise notification of a different address is provided.

**Summary**

Barbara Abeles contested the validity of a joint notice of deficiency for tax years 1975 and 1977, arguing it was not sent to her last known address. The Tax Court held that a taxpayer's last known address is that on their most recent return, unless clear and concise notification of a different address has been given. The Court found the IRS failed to send duplicate notices to both spouses' last known addresses, rendering the notice invalid as to Barbara. The case was dismissed for lack of jurisdiction due to the invalid notice for 1975 and 1977, untimely petition for 1976, and absence of notice for 1978.

**Facts**

Barbara and Harold Abeles filed joint Federal income tax returns for 1975, 1976, and 1977. They separated in 1982, and Barbara filed a separate return for 1981 listing an address different from Harold's. The IRS sent a joint notice of deficiency for 1975 and 1977 to Harold's last known address, but not to Barbara's. Barbara was unaware of the notice until IRS actions in 1986.

**Procedural History**

The Tax Court had previously dismissed cases involving the Abeles for lack of prosecution, but these decisions were vacated regarding Barbara due to her non-involvement in the petitions. Barbara then filed a new petition challenging the deficiency notices. The court considered cross-motions to dismiss for lack of jurisdiction.

**Issue(s)**

1. Whether the IRS was required to send duplicate originals of the joint notice of deficiency to each spouse's last known address for tax years 1975 and 1977?
2. Whether the Tax Court had jurisdiction over Barbara's 1976 taxable year given the untimely filing of her petition?
3. Whether the Tax Court had jurisdiction over Barbara's 1978 taxable year when no notice of deficiency was issued?

**Holding**

1. No, because the IRS failed to send the notice to Barbara's last known address, making the notice invalid as to her.
2. No, because Barbara's petition regarding 1976 was untimely filed.

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3. No, because no notice of deficiency was issued for 1978.

**Court’s Reasoning**

The court interpreted section 6212(b)(2) to require duplicate notices when spouses have separate last known addresses. The IRS’s computer system could have revealed Barbara’s new address from her 1981 return, but the IRS relied solely on Harold’s joint tax account. The court rejected the IRS’s argument that separate addresses for joint and separate filers could coexist, emphasizing that a taxpayer has one last known address at any given time. The court adopted a new rule that the last known address is that on the most recent return unless clear and concise notification of a different address is given. The court also noted the IRS’s duty to exercise diligence in ascertaining the correct address. The decision was influenced by the Ninth Circuit’s precedents and the IRS’s advanced computer capabilities.

**Practical Implications**

This decision mandates that the IRS must consider a taxpayer’s most recently filed return to determine their last known address for deficiency notices. Practitioners should advise clients to clearly notify the IRS of address changes to ensure notices are properly sent. The ruling may lead to increased IRS diligence in verifying addresses before sending notices, potentially affecting the timeliness and efficiency of tax assessments. Subsequent cases like Wallin v. Commissioner have followed this precedent, emphasizing the need for the IRS to utilize its computer system effectively.

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