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**From:**

**Sent:** Monday, December 05, 2011 12:18:59 PM

**To:**

**Cc:**

**Subject:** RE: Opinion needed on statutes for a Tefra linked investor which is a Joint Committee case

Within two years of the resolution of the source partnership year a partner may file a refund claim for any carryback year under section 6230(c)(2)(B). The carryback is a computational affected item with respect to the source partnership year under Olsen v. U.S., 172 F.3d 1311 (Fed. Cir. 1999); Cummings v. Commissioner, T.C. Memo 1996-282; Bob Hambric Chevrolet v. U.S., 849 F. Supp. 500 (WD Tex. 1994). Consequently, the Service may issue the refund under section 6230(d)(3) and (d)(5) and the taxpayer may file a refund claim within the two year period if we fail to do so.