



U.S. Department of Justice
Tax Division

DJ
CMN

[Date]

Mr./Mrs./Ms. [Name]
[Address]

Re: [Case caption, court docket no., district]

Dear Mr./Mrs./Ms. [Name]:

This refers to the above-entitled suit(s) for refund of _____ taxes for the year(s) _____. This is to advise you that a concession has been approved on behalf of the Attorney General as to the [following issues:] [issue(s) of whether] ¹

Accordingly, the Internal Revenue Service has been authorized and directed to schedule [an] overpayment(s) of \$_____ in tax, \$_____ in interest paid and \$_____ in penalties, plus interest according to law. [There is enclosed a copy of the recomputation prepared by (our recomputation specialist) (the Internal Revenue Service).] The overpayment(s) [is] [are] the amount(s) plaintiff(s) would have received (other than costs) had [he] [she] [it] [they] prevailed in this litigation on the issue(s) which [is] [are] being conceded. Subject to the final paragraph of this letter, the refund check(s) representing the overpayment(s) and statutory interest will be sent by the Internal Revenue Service to this office for delivery to you.

OR

Accordingly, the Internal Revenue Service has been authorized and directed to schedule [an] overpayment(s) of such tax, interest paid and penalties as will be computed to be due under the issue(s) which [is] [are] being conceded, plus interest according to law. In other words, the overpayment(s) will be in the amount(s) plaintiff(s) would have received (other than costs) had [he] [she] [it] [they] prevailed in this litigation on the conceded issue(s). The amount of recovery demanded in the [complaint(s)] however, is

¹ This concession letter is to be used when a case is totally conceded. When a partial concession has been approved, this letter will have to be modified. For example, a partial concession normally will be reflected in a stipulation dismissing or resolving the issue, and in many cases the refund will not be issued until the remaining issues have been resolved.

not controlling, but is subject to recomputation. The recomputation when prepared will be forwarded to you by this office for your review.

[In accordance with your telephone conversation on _____ with our trial attorney, _____, there are (also) enclosed an original and one copy (each) of (a) stipulation(s) for dismissal with prejudice, each party to bear its own costs including any attorneys fees or other expenses of this litigation. Please execute the original(s) and return (it) (them) to this office. We will hold the stipulation(s) until receipt of the refund check(s) and will file the stipulation(s) with the court, returning (an) executed (copy) (copies) to you, at the same time that the check(s) (is) (are) mailed to you.

OR

[There are (also) enclosed an original and one copy [each] of (a) stipulation(s) for entry of judgment. Please execute the original(s) and return [it] [them] to this office for filing. We will request the court to forward to the parties [a copy] [copies] of the judgment(s) when [it] [they] [is] [are] entered.]

Please note that under Section 6402 of the Internal Revenue Code, the overpayment(s) and statutory interest resulting from this concession may be credited against certain liabilities of the taxpayer(s), including liability for an internal revenue tax.

Sincerely yours,

Enclosures

cc: IRS Counsel
[United States Attorney]

[An appropriate letter to IRS Counsel should be sent at the same time.]