

# Innocent spouse gets caught in IRS bureaucracy



*Wanting Smaller Government Illustration by Linas Garsys/The Washington Times Wanting Smaller Government Illustration by Linas... more >*

---

## COMMENTARY

By Mike Brownfield

*Tuesday, October 1, 2024*

---

## **OPINION:**

Emoke Fidele came to the United States from Hungary in 2010 looking for the land of opportunity. Her American dream, however, became a nightmare when she received a bill from the Internal Revenue Service for \$271,000 in back taxes that she did not owe. What happened to her is another case of government bureaucracy at its worst and an unjust IRS rule that is long overdue for reform.

Emoke is not wealthy. She earns a modest income as a caregiver to older adults in New York. Emoke did not realize that anyone who files a joint tax return with his or her spouse becomes liable for the spouse's unpaid taxes, even if their spouse is dead or later gets divorced. Only spouses who can prove their innocence to the IRS can escape the clutches of the federal government.

A spouse's obligation on a joint tax return dates to a 1938 act of Congress. Under that law, an innocent spouse's only reprieve was if they could prove they had signed their tax return under duress — a high hurdle.

---

Concerned that the law was inequitable, Congress created a new provision for innocent spouse relief in 1998 and directed the IRS to implement it with new rules and regulations.

The result is a labyrinthine process through which spouses may be able to obtain relief if they can prove they did not know and had no reason to know about the underreported taxes, among other conditions. Emoke's story is a case study in the near impossibility of jumping through the IRS' hoops, the unfairness of the law and the unfair burden it imposes on innocent spouses.

Emoke doesn't know where her tax bill stems from other than that it was for the 2019 tax year. Her then-husband was a tennis instructor who had a stroke that year — so he wasn't working, much less earning enough to incur such a high tax burden. Emoke was the primary income earner, working 120 hours a week and taking in \$96,700.

She doesn't know if her former husband (whom she divorced in 2023) had filed an improper tax return. When she asked the IRS to see a copy of the tax return at issue, the government refused because her ex-husband had not consented.

Emoke has hired a lawyer who has been trying to resolve her situation, but she's been getting the runaround from the government. She submitted an "innocent spouse relief" application. The IRS responded with a letter asserting that she hadn't complied with all of the requirements. Another letter arrived stating that her second application was denied, even though she never submitted one.

More communication with the IRS followed, along with looming threats of interest and penalties. Emoke had expected to have a hearing on her case this past May, but that was canceled, and now she says she has to start the process all over again. It's "Catch-22: IRS Edition."

"It's made my life completely miserable," Emoke laments. "It's not me; it's my ex-husband. I've tried to fix things from the first moment I found out."

Last year, the Treasury Department inspector general made a series of recommendations to improve the innocent spouse relief process, which is plagued by long delays and questionable case resolutions. IRS management was largely resistant to the suggested reforms.

Apart from the IRS' apparent refusal to address the flaws in its system, there's a more fundamental question of whether holding someone liable for their spouse's tax obligation is fair — or why the policy is allowed to persist.

As law professor Richard C.E. Beck wrote in his analysis of the innocent spouse process, Congress could have repealed the joint spouse rule in 1998 but did not, opting instead for the convoluted rule we have today.

“The reason, at bottom, appears to be the IRS’s unwillingness to give up its power to seize whatever assets lie in easy reach, even if they belong to the wrong taxpayer,” he wrote.

Enough is enough. Congress should act today to rein in the IRS — or repeal this irrational rule — and ensure that innocent Americans aren’t forced to pay their spouses’ tax bills. As for Eموke, she isn’t giving up hope.

“I try to be still positive, but it gives me a lot of stress,” she says. “I still trust my rights, and I hope that there will be a happy ending.”

• *Mike Brownfield is communications director at the Goldwater Institute.*

Copyright © 2024 The Washington Times, LLC. Click here for reprint permission.

**Please read our comment policy before commenting.**

1 Comment

Active on Page: 2