

Information and Pertinent Law Sections

1. All blanks on the front side of this application must be completed. Please type or print in ink.
2. This application must be filed in duplicate. Please make copy for your records. Mail to:

Ohio Tax Commissioner
P.O. Box 2476
Columbus, OH 43216-2476

3. Ohio Revised Code (R.C.) section 5747.11(C) provides for the payment of interest at the rate prescribed by R.C. 5703.47) on all refunds granted. To the extent a refund is granted on this application, either in whole or in part, the Department of Taxation will calculate and include the appropriate amount of interest in the refund payment made to the applicant. The applicant should not include such interest in the "total amount of claim" figure inserted on line 4-C.

4. Income tax withholding refunds are governed by R.C. 5747.11, which provides in pertinent part:

- (A) The tax commissioner shall refund to employers, qualifying entities or taxpayers, with respect to any tax imposed under R.C. 5733.41, 5747.02 or 5747.41, or chapter 5748:
- (1) Overpayments of more than one dollar;
 - (2) Amounts in excess of one dollar paid illegally or erroneously;
 - (3) Amounts in excess of one dollar paid on an illegal, erroneous or excessive assessment.
- (B) Except as otherwise provided under divisions (D) and (E) of this section, applications for refund shall be filed with the tax commissioner, on the form prescribed by the commissioner, within four years from the date of the illegal, erroneous or excessive payment of the tax, or within any additional period allowed by division (B)(3)(b) of ORC section 5747.05, division (B) of R.C. 5747.10, division (A) of R.C. 5747.13, or division (C) of R.C. 5747.45. On filing of the refund application, the commissioner shall determine the amount of refund due and certify such amount to the director of budget and management and treasurer of state for payment from the tax refund fund created by R.C. 5703.052.
- (C) (1) Interest shall be allowed and paid upon any illegal or erroneous assessment in excess of one dollar in respect of the tax imposed under R.C. 5747.02 or chapter 5748 at the rate per annum prescribed by R.C. 5703.47 from the date of the payment of the illegal or erroneous assessment until the date the refund of such amount is paid. If such refund results from the filing of a return or report, or the payment accompanying such return or report, by an employer or taxpayer, rather than from an assessment by the commissioner, such interest shall run from a period 90 days after the final filing date of the annual return until the date the refund is paid.
- (2) Interest shall be allowed and paid at the rate per annum prescribed by R.C. 5703.47 upon any overpayment in excess of one dollar in respect of the tax imposed under R.C. 5747.02 or chapter 5748 from the date of the overpayment until the date of the refund of the overpayment, except that if any overpayment is refunded within 90 days after the final filing date of the annual return or 90 days after the return is filed, whichever is later, no interest shall be allowed on such overpayment. If the overpayment results from the carryback of a net operating loss or net capital loss to a previous taxable year, the overpayment is deemed not to have been made prior to the filing date, including any extension thereof, for the taxable year in which the net operating loss or net capital loss arises. For purposes of the payment of interest on overpayments, no amount of tax, for any taxable year, shall be treated as having been paid before the date on which the tax return for that year was due without regard to any extension of time for filing such return.
- (3) Interest shall be allowed at the rate per annum prescribed by R.C. 5703.47 on amounts refunded with respect to the taxes imposed under R.C. 5733.41 and 5747.41. The interest shall run from whichever of the following days is the latest until the day the refund is paid: the day the illegal, erroneous or excessive payment was made; the 90th day after the final day the annual report was required to be filed under R.C. 5747.42; or the 90th day after the day that report was filed.
- (D) "Ninety days" shall be substituted for "four years" in division (B) of this section if the taxpayer satisfies both of the following conditions:
- (1) The taxpayer has applied for a refund based in whole or in part upon R.C. 5747.059;
 - (2) The taxpayer asserts that either the imposition or collection of the tax imposed or charged by this chapter or any portion of such tax violates the Constitution of the United States or the Constitution of Ohio.
- (E)(1) Division (E)(2) of this section applies only if all of the following conditions are satisfied:
- (a) A qualifying entity pays an amount of the tax imposed by R.C. 5733.41 or 5747.41;
 - (b) The taxpayer is a qualifying investor as to that qualifying entity;
 - (c) The taxpayer did not claim the credit provided for in R.C. 5747.059 as to the tax described in division (E)(1)(a) of this section;
 - (d) The four-year period described in division (B) of this section has ended as to the taxable year for which the taxpayer otherwise would have claimed that credit.
- (2) A taxpayer shall file an application for refund pursuant to division (E) of this section within one year after the date the payment described in division (E)(1)(a) of this section is made. An application filed under division (E)(2) of this section shall claim refund only of overpayments resulting from the taxpayer's failure to claim the credit described in division (E)(1)(c) of this section. Nothing in division (E) of this section shall be construed to relieve a taxpayer from complying with division (A)(16) of R.C. 5747.01.