

Protective Claim for Refund

Late breaking issue that may require immediate attention

You are receiving this email because you paid Net Investment Income Tax with your 2016 tax return.

- If you filed your 2016 tax returns on or prior to July 15th, 2017
– **Immediate action required**
- If you extended and ultimately filed your 2016 tax returns after July 15th, 2017 – Action required by the third anniversary of the date of filing

The US Supreme Court has agreed to hear arguments regarding the constitutionality of the Affordable Care Act (the ACA, or Obamacare). This may have tax ramifications for you. As part of the ACA, two taxes, the Additional Medicare Tax and the Net Investment Income Tax were enacted. You have incurred one or both of these taxes.

Most commentators believe it is unlikely but if the Supreme Court rules that the ACA is unconstitutional, then the two taxes mentioned above would presumably be deemed unconstitutional as well, meaning amended tax returns would be required to claim refunds for the amounts of these taxes paid, plus interest. The statute of limitations bars taxpayers from claiming refunds beyond a certain time. The time to claim refunds for tax year 2016 expires July 15, 2020 for taxpayers that filed their Federal 2016 tax return on or prior to July 15, 2017. To prevent this amendment deadline from expiring, we recommend that the attached protective refund claim be filed with the IRS.

Deadlines to file the protective refund claim are:

- If you filed your 2016 tax returns on or prior to July 15th, 2017 – **must be filed by July 15, 2020**
- If you extended and ultimately filed your 2016 tax returns after July 15th, 2017 – filing required by the third anniversary of the date of filing

Below is the link to the protective claim for refund. Please fill out all of the information requested; sign and date the claim; keep a copy for your records; then send certified mail, return receipt requested, on or before the due date above.

Should you have any questions, do not hesitate to contact us.

[CLICK HERE FOR THE PROTECTIVE CLAIM FORM](#)

About Us

GMS Surgent is a mid-sized, full service, certified public accounting and advisory firm serving business and individual clients located primarily in (but not limited to) the Greater Philadelphia area. We warmly invite you to click around our website to learn a little more about our firm, our clients and the ways in which our services could benefit you.

"Personal Attention – Valuable Results", is the principal component of our mission statement. It highlights the GMS Surgent commitment to forging strong relationships and ensuring constructive communication while earning consistently effective results for our clients. It plays an essential role throughout every aspect of our firm, guides our actions and acts as a benchmark for the services we provide.

This information is of a general nature. It may omit many details and special rules and is current only as of its published date. Please contact us for more information and how it pertains to your specific tax or financial situation.