

MICHIGAN Alternative Dispute Resolution Settlement Offer

Issued under Public Act 215 of 2017.

IMPORTANT: You MUST request an Informal Conference before completing this form. A taxpayer's settlement offer may be submitted at any time after a valid informal conference request, but no later than 21 days after the informal conference was held.

Only the following taxes are eligible for the Alternative Dispute Resolution process: Single Business Tax; Michigan Business Tax; Corporate Income Tax; Individual Income Tax; Sales Tax; Use Tax; Motor Fuel Tax; Motor Carrier Fuel Tax (IFTA); Severance Tax; Equalization Tax; Flow-Through Entity Tax. No other taxes are eligible for Alternative Dispute Resolution.

DO NOT send payments with this form.

INSTRUCTIONS: Fill out completely Parts 1 through 5. Failure to do so will result in Treasury rejecting in writing your settlement offer as defective, and your offer will not be considered by Treasury as a valid offer until the reason(s) identified by Treasury for rejection are corrected.

NOTE: If a settlement is reached, you must enter into a Settlement Agreement with Treasury. You may not appeal, contest or otherwise collaterally challenge the settled issues and agreed-upon tax liability.

PART 1: TAXPAYER INFORMATION		
Hearings Docket Number (if known)	Social Security Number (for individual taxpayer)	FEIN or Treasury Number (for business taxpayer)
Taxpayer Name		Telephone Number
Mailing Address (Street Address, City, State, ZIP Code)	E-mail Address	
PART 2: MATTER(S) TO BE SETTLED		
Are you currently under audit by Treasury or have you been notified of the commencement of an audit? <input type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, indicate the tax type(s) and tax periods.	Tax Type(s)	Tax Period(s)
ASSESSMENT		
Assessment Number(s)		Total Amount Assessed
Tax Amount in Dispute	Penalty Amount in Dispute	Interest Amount in Dispute
REFUND CLAIM		
Total Refund Claim Amount	Type of Tax	Tax Period(s)
Tax Amount in Dispute		
PART 3: OFFER		
Amount Offered (amount to be paid or refunded)		
Issues to be settled: <input type="checkbox"/> All <input type="checkbox"/> Some (Identify the issues to be settled): _____ _____ _____		

PART 4: REASON TO SETTLE**Note: The taxpayer's ability to pay the tax may not be a reason for settlement.***Explain why the Michigan Department of Treasury should settle your assessment or refund claim. Attach additional pages if necessary.*A. Factual Basis for Settlement (e.g., dispute as to audit methods). Provide documents that support the factual basis for settlement. **REQUIRED**B. Legal Basis for Settlement (e.g., conflict of law, novel legal issue) **REQUIRED**

C. Other Factors.

PART 5: SIGNATURES AND DECLARATIONS**The taxpayer, NOT a power of attorney, must sign the settlement offer.****INDIVIDUAL TAXPAYERS**

Taxpayer Signature

Date

Name (print or type)

BUSINESS TAXPAYERS*I hereby certify that I am an owner, corporate officer, partner or member of the above named taxpayer and that I am authorized to execute this form on behalf of the taxpayer.*

Taxpayer Signature

Date

Name (print or type)

Title

NOTE: Upon receipt of a valid offer, the Michigan Department of Treasury will suspend the informal conference process and will respond in writing to the offer after review.**SUBMISSION INSTRUCTIONS**

Submit the completed form and required documentation to:

Michigan Department of Treasury
 Tax Policy Division
 Alternative Dispute Resolution Office
 PO Box 30828
 Lansing MI 48909

Fax: 517-763-0430

Email a PDF copy to: **TreasPolicyDirOfc@michigan.gov**

To send by Federal Express, United Parcel Service, or DHL Express, use the following address:

Michigan Department of Treasury
 Tax Policy Division
 Alternative Dispute Resolution Office
 430 W. Allegan St.
 Lansing MI 48933

Instructions for Completing Form 5573, Michigan Alternative Dispute Resolution Settlement Offer

Purpose

Section 21(2) of the Revenue Act, MCL 205.21(2), permits a taxpayer to seek to settle any or all issues in a tax dispute by submitting a written settlement offer to the Department of Treasury (Treasury) **after the taxpayer submits a timely request for an informal conference**. A taxpayer making an offer of settlement under this process must complete and submit the *Alternative Dispute Resolution Settlement Offer* (Form 5573) any time after the taxpayer timely requested the informal conference, but no later than 21 days after the date on which the informal conference was held.

To access the [Guidelines for Alternative Dispute Resolution](#), go to michigan.gov/taxes. Near the bottom of the page, under "Popular Resources," select "Hearings Information," then select "Go to State Tax Hearings and Appeals." Scroll down to "Resources" and then select "Guidelines for Alternative Dispute Resolution Process."

General Instructions

PART 1: TAXPAYER INFORMATION: In the Hearings Docket Number field, enter the docket number Treasury assigned to the taxpayer's informal conference request. If the taxpayer has not yet received notice of the docket number assigned, leave blank. If the taxpayer is an individual, enter the taxpayer's social security number. If the taxpayer is a business, enter the taxpayer's federal employer identification number (FEIN) or the taxpayer number assigned by Treasury. Enter the taxpayer's full name and complete address and, if other than the United States, enter the country. Enter the taxpayer's telephone number and the e-mail address to which communications regarding the settlement offer may be directed.

PART 2: MATTER(S) TO BE SETTLED: Check the box as to whether or not the taxpayer is currently under audit by Treasury, or has been notified by Treasury of the commencement of an audit, for any tax type(s) and tax period(s). If the "yes" box is checked, state each tax type and tax period subject to audit, including, if applicable, the tax type(s) and period(s) subject to the settlement offer.

NOTE: Only the following taxes are eligible for the Alternative Dispute Resolution process: Single Business Tax; Michigan Business Tax; Corporate Income Tax; Individual Income Tax; Sales Tax; Use Tax; Motor Fuel Tax; Motor Carrier Fuel Tax (IFTA); Severance Tax; Equalization Tax; Flow-Through Entity Tax. No other taxes are eligible for Alternative Dispute Resolution.

If the taxpayer's informal conference request involves an intent(s) to assess issued by Treasury, identify the assessment number(s) to which the taxpayer's settlement offer applies, and the total amount assessed in the applicable intent(s) to assess. Also, enter the total amount of tax, as well as the amount of any penalty and interest, the taxpayer disputes. An amount in dispute is the difference between the amount Treasury identifies as due in the assessment and the amount the taxpayer contends is due.

If the taxpayer's informal conference request involves a Treasury decision regarding the taxpayer's claim for refund, enter the total amount of the claimed refund, the tax type and tax period(s) involved, and the total amount of tax refund that the taxpayer contends is in dispute. An amount of tax refund in dispute is the difference between the amount that the taxpayer claims Treasury should refund and the amount of any refund Treasury indicates in the respective Notice of Refund Adjustment or Denial.

PART 3: OFFER: Enter the amount the taxpayer is offering to pay to settle the issue(s) being contested in the informal conference process. A taxpayer may offer to settle all or only some of the issues that are in dispute. Therefore, indicate whether the taxpayer is offering to settle all or only some of the issues that are in dispute, and identify those issues which the taxpayer is offering to settle. The informal conference process will proceed with respect to issues that are not subject to any resulting settlement, unless the taxpayer requests in writing to withdraw from the informal conference process.

PART 4: REASON TO SETTLE: By statute, for an offer of settlement to be considered by Treasury, the taxpayer must provide both factual and legal bases supporting the settlement offer. In box A, describe the factual bases supporting the settlement offer and provide all documents supporting the offer. In box B, set forth the legal bases supporting the settlement offer. Provide additional pages as necessary in order to fully describe the factual and legal bases supporting the offer. The taxpayer may also indicate any other factors in box C that the taxpayer would like Treasury to consider as additional support for the settlement offer.

NOTE: The taxpayer's ability to pay a tax assessment does not constitute a reason for settlement.

PART 5: SIGNATURES AND DECLARATIONS: The settlement offer set forth on this form must be signed by the taxpayer. In the case of a business taxpayer, the offer must be signed by an owner, a corporate officer, a partner or a member, as applicable to the respective business entity organization, who certifies that he/she is authorized to execute the form on behalf of the taxpayer. A power of attorney, or similar representative of the taxpayer, may not sign the settlement offer on behalf of the taxpayer, and Treasury will reject any such offer as invalid.

Submission

Delivery of the form may be made using any of the following delivery services: United States Postal Service (USPS), Federal Express (FedEx), United Parcel Service (UPS) or DHL Express. You can also submit the form by fax or email.

Submit the completed form and required documentation to:

Michigan Department of Treasury
Tax Policy Division
Alternative Dispute Resolution Office
PO Box 30828
Lansing MI 48909

Fax: 517-763-0430.

Email a PDF copy to: TreasPolicyDirOfc@michigan.gov

**To send by Federal Express, United Parcel Service, or DHL
Express use the following address:**

Michigan Department of Treasury
Tax Policy Division
Alternative Dispute Resolution Office
430 W. Allegan St.
Lansing, MI 48933