



AN COIMISIÚN UM ACHOMHAIRC CHÁNACH
TAX APPEALS COMMISSION

24TACD2026

Between

[REDACTED]

Appellant

and

THE REVENUE COMMISSIONERS

Respondent

Determination

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Introduction

1. This matter comes before the Tax Appeal Commission (from here on referred to as the "Commission") as an appeal against a P21 Balancing Statement issued by the Revenue Commissioners (from here on referred to as the "Respondent") on 4 June 2025 for the tax year 2021.
2. The amount of tax at issue is €56.15.

Background

3. Mr [REDACTED] (from here on referred to as the "Appellant") is a Pay As You Earn (from here on referred to as "PAYE") taxpayer.
4. On 16 August 2021, the Appellant registered his employment with [REDACTED] [REDACTED] (from here on referred to as "Employer 1") on his record with the Respondent.
5. On 17 August 2021, the Respondent issued an amended tax credit certificate for 2021 to the Appellant which confirmed that his tax rate band, tax credits and Universal Social Charge (from here on referred to as "USC") allocations were assigned in full to his employment with Employer 1.
6. The tax credit certificate for 2021 issued confirmed that the Appellant had received a Personal Tax Credit of €1,650.00 and an Employee Tax Credit of €1,650.00. In addition, the tax credit certificate for 2021 stated the following in relation to USC:

"You are deemed exempt from paying the Universal Social Charge (USC) for the current year as your total income for the year (excluding all payments from the Department of Social Protection) has been estimated to not exceed €13,000.00. Please notify your Revenue office if it is likely that your income will in fact exceed €13,000.00."

7. The following payroll information in relation to the Appellant's employment with Employer 1 in 2021 was received by the Respondent:

| | |
|--------------------|-----------|
| Gross Pay | €1,183.50 |
| Pay for Income Tax | €1,183.50 |
| Income Tax Paid | -€106.50 |

| | |
|---|-----------|
| Pay for USC | €1,183.50 |
| USC Paid | -€21.24 |
| Employee Pay Related social Insurance (from here on referred to as "PRSI") paid | €37.26 |
| Employer PRSI paid | €125.11 |
| Local Property Tax paid | €0.00 |

8. On 15 December 2021, the Respondent received an employment registration from [REDACTED] (from here on referred to as "Employer 2") in relation to the Appellant with an employment commencement date of 8 December 2021.
9. No change was made to the Appellant's allocations for tax rate band, tax credits and USC which remained allocated in full to Employer 1.
10. The following payroll information in relation to the Appellant's employment with Employer 2 in 2021 was received by the Respondent:

| | |
|---|---------|
| Gross Pay | €254.64 |
| Pay for Income Tax | €254.64 |
| Income Tax Paid | €50.92 |
| Pay for USC | €254.64 |
| USC Paid | €20.37 |
| Employee Pay Related social Insurance (from here on referred to as "PRSI") paid | €0.00 |
| Employer PRSI paid | €22.40 |

| | |
|-------------------------|-------|
| Local Property Tax paid | €0.00 |
|-------------------------|-------|

11. On 27 May 2025, the Respondent wrote to the Appellant and required, pursuant to the provisions of section 879 of the Taxes Consolidation Act 1997 (from here on referred to as the "TCA 1997"), the Appellant to complete a PAYE Income Tax Return for 2021 prior to 18 June 2025.
12. On 4 June 2025, the Appellant submitted his 2021 PAYE Income Tax Return to the Respondent.
13. On 5 June 2025, the Respondent issued the Appellant with the contested P21 Statement of Liability for 2021 which showed an underpayment of tax by the Appellant in 2021 of €56.15 which was comprised of an underpayment of income tax of €55.28 and an underpayment of USC of €0.87.
14. The Commissioner wrote to the parties informing them that she intended to determine this appeal without an oral hearing pursuant to the provisions of section 949U of the TCA 1997. No objection to this course of action has been received from either party.

Legislation and Guidelines

15. The legislation relevant to this appeal is as follows:

Section 15 of the TCA 1997 "Rate of charge" (as in force from 1 January 2019 to 31 December 2021)

"(1) Subject to subsection (2), income tax shall be charged for each year of assessment at the rate of tax specified in the Table to this section as the standard rate.

(2) Where a person who is charged to income tax for any year of assessment is an individual (other than an individual acting in a fiduciary or representative capacity), such individual shall, notwithstanding anything in the Income Tax Acts but subject to section 16(2), be charged to tax on such individual's taxable income -

(a) in a case in which such individual is assessed to tax otherwise than in accordance with section 1017 or 1031C and is not an individual referred to in paragraph (b), at the rates specified in Part 1 of the Table to this section, or

(b) in a case in which the individual is assessed to tax otherwise than in accordance with section 1017 or 1031C and is entitled to a reduction of tax

provided for in section 462B, at the rates specified in Part 2 of the Table to this section, or

(c) subject to subsections (3) and (5), in a case in which such individual is assessed to tax in accordance with section 1017 or 1031C, at the rates specified in Part 3 of the Table to this section,

and the rates in each Part of that Table shall be known respectively by the description specified in column (3) in each such Part opposite the mention of the rate or rates, as the case may be, in column (2) of that Part.

(3) Subject to subsections (4) and (5) -

(a) where an individual is charged to tax for a year of assessment in accordance with section 1017 or 1031C, and

(b) both the individual and his or her spouse or civil partner are each in receipt of income in respect of which the individual is chargeable to tax in accordance with that section,

the part of his or her taxable income chargeable to tax at the standard rate specified in column (1) of Part 3 of the Table to this section shall be increased by an amount which is the lesser of -

(i) €26,300, and

(ii) the specified income of the individual or the specified income of the individual's spouse or civil partner, whichever is the lesser.

(4) For the purposes of subsection (3), "specified income" means total income after deducting from such income any deduction attributable to a specific source of income and any relevant interest within the meaning of Chapter 4 of Part 8.

(5) Where all or any part of an increase under subsection (3) in the amount of an individual's taxable income chargeable to income tax at the standard rate is attributable to emoluments from which tax is deductible in accordance with the provisions of Chapter 4 of Part 42 and any regulations made thereunder, then, the full amount of the increase, or that part of the increase, as may be appropriate in the circumstances, shall only be used in accordance with the provisions of that Chapter and those regulations in calculating the amount of tax to be deducted from those emoluments.

Table

PART 1

| <i>Part of taxable income</i> (1) | <i>Rate of tax</i> (2) | <i>Description of rate</i> (3) |
|--------------------------------------|---------------------------|-----------------------------------|
| <i>The first €35,300</i> | <i>20 per cent</i> | <i>the standard rate</i> |
| <i>The remainder</i> | <i>40 per cent</i> | <i>the higher rate</i> |

PART 2

| <i>Part of taxable income</i> (1) | <i>Rate of tax</i> (2) | <i>Description of rate</i> (3) |
|--------------------------------------|---------------------------|-----------------------------------|
| <i>The first €39,300</i> | <i>20 per cent</i> | <i>the standard rate</i> |
| <i>The remainder</i> | <i>40 per cent</i> | <i>the higher rate</i> |

PART 3

| <i>Part of taxable income</i> (1) | <i>Rate of tax</i> (2) | <i>Description of rate</i> (3) |
|--------------------------------------|---------------------------|-----------------------------------|
| <i>The first €44,300</i> | <i>20 per cent</i> | <i>the standard rate</i> |
| <i>The remainder</i> | <i>40 per cent</i> | <i>the higher rate</i> |

Section 19 of the TCA 1997 – “Schedule E”

“(1) The Schedule referred to as Schedule E is as follows:

Schedule E

1. In this Schedule, "annuity" and "pension" include respectively an annuity which is paid voluntarily or is capable of being discontinued and a pension which is so paid or is so capable.

2. Tax under this Schedule shall be charged in respect of every public office or employment of profit, and in respect of every annuity, pension or stipend payable out of the public revenue of the State, other than annuities charged under Schedule C, for every one euro of the annual amount thereof.

3. Tax under this Schedule shall also be charged in respect of any office, employment or pension the profits or gains arising or accruing from which would be chargeable to tax under Schedule D but for paragraph 2 of that Schedule.

4. Paragraphs 1 to 3 are without prejudice to any other provision of the Income Tax Acts directing tax to be charged under this Schedule, and tax so directed to be charged shall be charged accordingly.

5. Subsection (2) and sections 114, 115 and 925 shall apply in relation to the tax to be charged under this Schedule.

(2) Tax under Schedule E shall be paid in respect of all public offices and employments of profit in the State or by the officers respectively described below -

(a) offices belonging to either House of the Oireachtas;

(b) offices belonging to any court in the State;

(c) public offices under the State;

(d) officers of the Defence Forces;

(e) offices or employments of profit under any ecclesiastical body;

(f) offices or employments of profit under any company or society, whether corporate or not corporate;

(g) offices or employments of profit under any public institution, or on any public foundation of whatever nature, or for whatever purpose established;

(h) offices or employments of profit under any public corporation or local authority, or under any trustees or guardians of any public funds, tolls or duties;

(i) all other public offices or employments of profit of a public nature."

Section 112 of the TCA 1997 – “Basis of assessment, persons chargeable and extent of charge”

“(1) Income tax under Schedule E shall be charged for each year of assessment on every person having or exercising an office or employment of profit mentioned in that Schedule, or to whom any annuity, pension or stipend chargeable under that Schedule is payable, in respect of all salaries, fees, wages, perquisites or profits whatever therefrom, and shall be computed on the amount of all such salaries, fees, wages, perquisites or profits whatever therefrom for the year of assessment.

(2) (a) In this section, “emoluments” means anything assessable to income tax under Schedule E.

(b) Where apart from this subsection emoluments from an office or employment would be for a year of assessment in which a person does not hold the office or employment, the following provisions shall apply for the purposes of subsection (1):

(i) if in the year concerned the office or employment has never been held, the emoluments shall be treated as emoluments for the first year of assessment in which the office or employment is held, and

(ii) if in the year concerned the office or employment is no longer held, the emoluments shall be treated as emoluments for the last year of assessment in which the office or employment was held.

(3) Notwithstanding subsection (1) and subject to subsections (4) and (6), the income tax under Schedule E to be charged for the year of assessment 2018 and subsequent years of assessment in respect of emoluments to which Chapter 4 of Part 42 applies or is applied shall be computed on the amount of the emoluments paid to the person in the year of assessment.

(4) Where emoluments chargeable under Schedule E arise in the year of assessment 2017, and those emoluments are also chargeable to income tax in accordance with subsection (3) for the year of assessment 2018 or a subsequent year of assessment, the amount of the emoluments chargeable to income tax for the year of assessment 2017 shall, on a claim being made by the person so chargeable, be reduced to the amount of emoluments that would have been charged to income tax had subsection (3) applied for that year of assessment.

(5) Where a person dies and emoluments are due to be paid to that deceased person, the payment of such emoluments shall be deemed to have been made to the deceased person immediately prior to death.

(6) (a) In this subsection, “proprietary director” has the same meaning as it has in section 472.

(b) Subsection (3) shall not apply to—

(i) emoluments paid directly or indirectly by a body corporate (or by any person who is connected (within the meaning of section 10) with the body corporate) to a proprietary director of the body corporate, or

(ii) emoluments in respect of which a notification has issued under section 984(1).”

Section 461 of the TCA 1997 – “Basic personal tax credit” (as in force 31 December 2024)

“In relation to any year of assessment, an individual shall be entitled to a tax credit (to be known as the 'basic personal tax credit') of -

(a) €3,300, in a case in which the claimant is a married person or a civil partner who -

(i) is assessed to tax for the year of assessment in accordance with section 1017 or 1031C, as the case may be, or

(ii) proves that his or her spouse or civil partner is not living with him or her but is wholly or mainly maintained by him or her for the year of assessment and that the claimant is not entitled, in computing his or her income for tax purposes for that year, to make any deduction in respect of the sums paid by him or her for the maintenance of his or her spouse or civil partner,

(b) €3,300, in a case in which the claimant in the year of assessment is a widowed person or surviving civil partner, other than a person to whom paragraph (a) applies, whose spouse or civil partner has died in the year of assessment, and

(c) €1,650, in the case of any other claimant.”

Section 472 of the TCA 1997 – “Employee Allowance” (as in 31 December 2024)

“(4) Where, for any year of assessment, a claimant proves that his or her total income for the year consists in whole or in part of emoluments (including, in a case where the claimant is a married person assessed to tax in accordance with section 1017, or a civil partner assessed to tax in accordance with section 1031C, any emoluments of the claimant's spouse or civil partner deemed to be income of the claimant by that section for the purposes referred to in that section) the claimant shall be entitled to a tax credit (to be known as the 'employee tax credit') of -

(a) where the emoluments (but not including, in the case where the claimant is a married person or a civil partner so assessed, the emoluments, if any, of the claimant's spouse or civil partner) arise to the claimant, the lesser of an amount equal to the appropriate percentage of the emoluments and €1,650, and

(b) where, in a case where the claimant is a married person or a civil partner so assessed, the emoluments arise to the claimant's spouse or civil partner, the lesser of an amount equal to the appropriate percentage of the emoluments and €1,650.”

Section 531AM of the TCA 1997 “Charge to universal social charge” (as in force from 1 January 2019 to 31 December 2022):

“(2) Universal social charge shall not be payable for a tax year by an individual who proves to the satisfaction of the Revenue Commissioners that his or her aggregate income for the tax year does not exceed €13,000.”

Submissions

Appellant's submissions

16. The Appellant submitted the following Grounds of Appeal in his Notice of Appeal:

“I have been issued with an underpayment of 56.15 euros in the tax year of 2021. I am a student and earn a low income. I spoke with the accountant of the company I work for and he said it is unusual that I would be charged with an underpayment considering my circumstances.”

Respondent's submissions

17. The Respondent has submitted that the Statement of Liability for 2021 which issued on 4 June 2025 is correct.

Material Facts

18. The material facts are not at issue in this appeal and the Commissioner accepts the following as material facts:

- 18.1. The Appellant is a Pay As You Earn taxpayer.
- 18.2. On 16 August 2021, the Appellant registered his employment with Employer 1 on his record with the Respondent.
- 18.3. On 17 August 2021, the Respondent issued an amended tax credit certificate for 2021 to the Appellant which confirmed that his tax rate band, tax credits and USC allocations were assigned in full to his employment with Employer 1.
- 18.4. The tax credit certificate for 2021 issued confirmed that the Appellant had received a Personal Tax Credit of €1,650.00 and an Employee Tax Credit of €1,650.00. In addition, the tax credit certificate for 2021 stated the following in relation to USC:

“You are deemed exempt from paying the Universal Social Charge (USC) for the current year as your total income for the year (excluding all payments from the Department of Social Protection) has been estimated to not exceed €13,000.00. Please notify your Revenue office if it is likely that your income will in fact exceed €13,000.00.”

18.5. The following payroll information in relation to the Appellant’s employment with Employer 1 in 2021 was received by the Respondent:

| | |
|--------------------|-----------|
| Gross Pay | €1,183.50 |
| Pay for Income Tax | €1,183.50 |
| Income Tax Paid | -€106.50 |
| Pay for USC | €1,183.50 |
| USC Paid | -€21.24 |
| Employee PRSI paid | €37.26 |
| Employer PRSI paid | €125.11 |

| | |
|-------------------------|-------|
| Local Property Tax paid | €0.00 |
|-------------------------|-------|

- 18.6. On 15 December 2021, the Respondent received an employment registration from Employer 2 in relation to the Appellant with an employment commencement date of 8 December 2021.
- 18.7. No change was made to the Appellant's allocations for tax rate band, tax credits and USC which remained allocated in full to Employer 1.
- 18.8. The following payroll information in relation to the Appellant's employment with Employer 2 in 2021 was received by the Respondent:

| | |
|---|---------|
| Gross Pay | €254.64 |
| Pay for Income Tax | €254.64 |
| Income Tax Paid | €50.92 |
| Pay for USC | €254.64 |
| USC Paid | €20.37 |
| Employee Pay Related social Insurance (from here on referred to as "PRSI") paid | €0.00 |
| Employer PRSI paid | €22.40 |
| Local Property Tax paid | €0.00 |

- 18.9. On 27 May 2025, the Respondent wrote to the Appellant and required, pursuant to the provisions of section 879 of the TCA 1997, the Appellant to complete a PAYE Income Tax Return for 2021 prior to 18 June 2025.
- 18.10. On 4 June 2025, the Appellant submitted his 2021 PAYE Income Tax Return to the Respondent.

18.11. On 5 June 2025, the Respondent issued the Appellant with the contested P21 Statement of Liability for 2021 which showed an underpayment of tax by the Appellant in 2021 of €56.15 which was comprised of an underpayment of income tax of €55.28 and an underpayment of USC of €0.87.

Analysis

19. As with all appeals before the Commission the burden of proof lies with the Appellant. As confirmed in *Menolly Homes v Appeal Commissioners* [2010] IEHC 49 (from here on referred to as “*Menolly Homes*”), the burden of proof is, as in all taxation appeals, on the taxpayer. As confirmed in that case by Charleton J at paragraph 22:-

“This is not a plenary civil hearing. It is an enquiry by the Appeal Commissioner as to whether the taxpayer has shown that the tax is not payable.”

20. The Commissioner has considered the submissions made and the documentation submitted on behalf of both parties in this appeal.

21. There is no dispute between the parties that, in 2021, the Appellant was engaged in employments which were subject to tax under Schedule E as set out in sections 19 and 112 of the TCA 1997.

22. The applicable rate of tax for 2021 is set out in the Table contained in section 15 of the TCA 1997. Part 1 of that Table sets out that individual taxpayers were to be taxed at 20% on the first €35,300 of their income and at 40% on the balance of their income.

23. Section 461(c) of the TCA 1997 sets out that, in 2021, individual taxpayers were entitled to a basic personal tax credit of €1,650.00.

24. Section 472 of the TCA 1997 sets out that, in 2021, individual taxpayers who were employees were entitled to an employee allowance tax credit of €1,650.00.

25. The effect of the basic person tax credit and the employee allowance tax credit mean that, in 2021, after the calculation of income tax due, a credit (or deduction) of €3,300.00 would be applied to the taxpayers position, assuming the taxpayer was liable to tax in excess of €3,750.00.

26. The effect of the basic person tax credit and the employee allowance tax credit mean that, in 2021, after the calculation of income tax due which was less than €3,300.00, the taxpayer would be credited with tax credits which equalled the amount of tax due.

27. It is not in dispute between the parties that, in 2021, the Appellant was in receipt of income of €1,438.14.

28. The rate of charge to income tax in 2021 for the first €35,300 of income was 20%. This means that, in 2021, the Appellant was liable to income tax in the amount of €287.63.
29. As the Appellant's liability to income tax in 2021 was less than €3,300.00, the Appellant was entitled to tax credits which equalled the amount of tax due, that is to say in the amount of €287.63.
30. The effect of the tax credit to which the Appellant was entitled is that the Appellant was not liable to income tax in 2021.
31. It is not in dispute that, in 2021, the Appellant received a repayment of income tax from Employer 1 in the amount of €106.50. It is also not in dispute that the Appellant paid income tax relating to Employer 2 of €50.92. This means that in total the Appellant received a repayment of income tax in 2021 of €55.58.
32. As the Appellant was not liable to income tax in 2021 and has received a repayment of income tax in 2021 of €55.58, it follows that the Appellant has been over paid a repayment of income tax in 2021 of €55.58.
33. Section 531AM of the TCA 1997 sets out that, in 2021, where a taxpayer was in receipt of income the aggregate of which did not exceed €13,000, USC shall not be payable.
34. It is not in dispute between the parties that, in 2021, the Appellant received a repayment of USC in the amount of €21.24 from Employer 1. It is also not in dispute between the parties that, in 2021, the Appellant paid USC of €20.37 in relation to Employer 2. This means that in total the Appellant received a repayment of USC in 2021 of €0.87.
35. As the Appellant was not liable to USC in 2021 and has received a repayment of USC in 2021 of €0.87, it follows that the Appellant has been over paid a repayment of USC in 2021 of €0.87.
36. It therefore follows that the Appellant received an over-repayment of income tax and USC in 2021 of €56.15 which the Appellant must now repay to the Respondent.

Determination

37. For the reasons set out above, the Commissioner determines that this appeal has failed and that it has not been shown that the Statement of Liability issued by the Respondent for the tax year 2021 was incorrect.
38. Therefore, the Statement of Liability issued by the Respondent on 4 June 2025 shall stand.

39. This appeal is determined in accordance with Part 40A of the TCA 1997 and in particular, sections 949AK and 949U thereof. This determination contains full findings of fact and reasons for the determination, as required under section 949AJ(6) of the TCA 1997.

Notification

40. This determination complies with the notification requirements set out in section 949AJ of the TCA 1997, in particular section 949AJ(5) and section 949AJ(6) of the TCA 1997. For the avoidance of doubt, the parties are hereby notified of the determination under section 949AJ of the TCA 1997 and in particular the matters as required in section 949AJ(6) of the TCA 1997. This notification under section 949AJ of the TCA 1997 is being sent via digital email communication **only** (unless the Appellant opted for postal communication and communicated that option to the Commission). The parties will not receive any other notification of this determination by any other methods of communication.

Appeal

41. Any party dissatisfied with the determination has a right of appeal on a point or points of law only within 42 days after the date of the notification of this determination in accordance with the provisions set out in section 949AP of the TCA 1997. The Commission has no discretion to accept any request to appeal the determination outside the statutory time limit.



Clare O'Driscoll
Appeal Commissioner
12 January 2026