

Contact**Houston**

1200 Smith Street, Suite 1400
Houston, Texas 77002-4310
Tel: 713.658.1818
Fax: 713.658.2553

Atlanta

191 Peachtree Street, N.E.,
Forty-Sixth Floor
Atlanta, Georgia 30303
Tel: 404.659.1410
Fax: 404.659.1852

Philadelphia

300 Conshohocken State Road
Suite 570
West Conshohocken, PA 19428
Tel: 610.772.2300
Fax: 610.772.2305

San Antonio

112 East Pecan Street, Suite
1450
San Antonio, Texas 78205
Tel: 210.253.8383
Fax: 210.253.8384

Attorneys Urge IRS to Abandon Employment Tax Credit Clawback Regs, Tax Notes

Letter from Chamberlain Hrdlicka's Tax Controversy & Litigation Practice Highlighted

August 22, 2024

In an article published in Tax Notes on August 20, 2024, a letter from the firm's Tax Controversy & Litigation Practice was highlighted in the discussion to urge the IRS to abandon proposed regulations related to Employment Retention Credit. The letter was posted to Tax Notes on August 15, 2024, addressed to the Treasury Department and the Internal Revenue Service, requesting that they abandon the current proposed regulations as they relate to the ERC, and to reconsider the appropriateness of the final regulations treating excessive ERC refunds as underpayments of tax.

The article wrote, In light of the Supreme Court decision in *Loper Bright Enterprises Inc. v. Raimondo*, No. 22-451 (S. Ct. 2024), the attorneys at Chamberlain, Hrdlicka, White, Williams & Aughtry asked the IRS and Treasury to reconsider the treatment of erroneous employee retention credit payments as underpayment of tax established in final regs issued in July 2023 and the similar treatment of resulting interest proposed July 2.

The proposed regulations represent an extension of a regulatory scheme that already stands contrary to the ERC legislation, and they further erode the protections Congress has afforded taxpayers who received ERC refunds, the letter said.

To review the full article, subscribers may [click here](#).