

RULE 272. OTHER PLEADINGS

(a) Answer:

- (1) *General:* The Commissioner shall file an answer or shall move with respect to the petition within the periods specified in and in accordance with the provisions of Rule 36.
- (2) *Additional Requirement for Answer:* In addition to the specific admission or denial of each material allegation in the petition, the answer shall contain the following:
 - (A) Clear and concise lettered statements of the facts on which the Commissioner relies to establish that, in the administrative proceeding, the Commissioner's position was substantially justified;
 - (B) a statement whether the Commissioner agrees that the petitioner substantially prevailed in the administrative proceeding with respect to either the amount in controversy or the most significant issue or set of issues presented in the administrative proceeding;
 - (C) a statement whether the Commissioner agrees that the amount of administrative costs claimed by the petitioner is reasonable;
 - (D) a statement whether the Commissioner agrees that the petitioner meets the net worth requirements as provided by law; and
 - (E) the basis for the Commissioner's disagreement with any such allegations by the petitioner.
- (3) *Effect of Answer:* Every material allegation set forth in the petition and not expressly admitted or denied in the answer shall be deemed to be admitted. The failure to include in the answer any statement required by subparagraph (2) of this paragraph shall be deemed to constitute a concession by the Commissioner of that matter.

- (b) Reply:** A reply to the answer shall not be filed in an action for administrative costs unless the Court, on its own motion or upon motion of the Commissioner, shall otherwise direct. Any reply shall conform to the requirements of Rule 37(b). In the absence of a requirement of a reply, the provisions of the second sentence of Rule 37(c) shall not apply and the material allegations of the answer will be deemed denied.

(As effective October 3, 2008, [130 T.C. 564](#). For prior history, see [93 T.C. 1050–52](#) (1989); [109 T.C. 703–04](#) (1997).)