

3/19/2025

Internal Revenue Service  
Ogden, UT 84201

EIN: 00-0000000

Taxpayer Name: 45's Business

RE: Formal Protest to ERC Disallowance for Q3 2021

Tax Period: 3rd Quarter 2021 (2021Q3)

Dear Appeals Officer,

We write in response to the IRS notice disallowing 45's Business's Employee Retention Credit (ERC) claim for the third quarter of 2021. The disallowance was premised on the assertion that no government orders were in effect during the period that caused a suspension of our operations. We respectfully disagree. As a law firm located in Unknown Location, NY, 45's Business was significantly affected by governmental orders during Q3 2021. These orders imposed COVID-19-related restrictions that resulted in a full or partial suspension of normal business operations. Furthermore, our revenue figures show a dramatic decline during this period, which qualifies us for the ERC under the applicable thresholds.

Below, we provide detailed information on both the revenue decline and the relevant government orders affecting our operations.

---

#### REVENUE DECLINE DATA

The purpose of this section is to document the specific revenue decline in comparison to the prior year as required by the IRS for audit purposes. In Q3 2021, our revenue was EXACTLY \$345 compared to Q3 2019, which was EXACTLY \$3245345. This represents an EXACT decline of \$3245000 and an EXACT percentage decline of 99.99%, clearly qualifying for the ERC for Q3 2021. In addition, our records indicate the following for other quarters:

- **Q1 2021:** EXACTLY \$345 compared to Q1 2019
- **Q2 2021:** EXACTLY \$345 compared to Q2 2019

These figures demonstrate that our business experienced revenue declines well above the applicable thresholds, thereby establishing our eligibility for the ERC.

---

#### GOVERNMENT ORDERS ACTIVE IN Q3 2021

In addition to the revenue decline, 45's Business was subject to multiple governmental orders that led to a partial suspension of our operations during Q3 2021. The following orders were in effect and had a direct impact on our ability to operate at full capacity:

- **Order Name:** Notice on the Continuation of the National Emergency Concerning the Coronavirus Disease 2019 (COVID-19) Pandemic

**ORDER NUMBER: N/A**

**DATE ENACTED: 03/13/2020**

**DATE RESCINDED: STILL IN EFFECT**

**Order Summary:** This notice maintained the U.S. COVID-19 National Emergency, thereby mandating a series of federal directives aimed at mitigating the spread of the virus. The order required businesses, including law firms, to adhere to enhanced health and safety protocols and to modify normal operational practices to ensure compliance with public health objectives.

**Impact on Quarter:** Throughout Q3 2021, this federal emergency provided the backdrop for ongoing COVID-19 mitigation efforts that forced adjustments to our business operations, resulting in a partial suspension of normal practice activities.

- **Order Name:** OSHA COVID-19 Safety Regulations

**ORDER NUMBER: N/A**

**DATE ENACTED: 06/21/2021**

**DATE RESCINDED: 12/21/2021**

**Order Summary:** These regulations, issued by the Occupational Safety and Health Administration, imposed mandatory workplace safety measures designed to reduce the risk of COVID-19 transmission. They required businesses to implement social distancing, enhanced sanitation practices, and other safety protocols, regardless of the industry involved.

**Impact on Quarter:** As a result of these safety regulations in effect during Q3 2021, 45's Business had to modify staff arrangements and limit in-person interactions, which effectively curtailed full operational capacity and contributed to the partial suspension of normal business activities.

---

**CONCLUSION AND REQUEST**

In light of the substantial revenue declines, as detailed above, and the significant impact of the governmental orders that resulted in a partial suspension of our normal operations, 45's Business qualifies for the Employee Retention Credit for Q3 2021. We respectfully request that the IRS reconsider and reverse the disallowance of our ERC claim. We trust that this detailed presentation of both the EXACT revenue decline data and the specific government orders active during the quarter meets all legal and audit requirements.

Thank you for your prompt and equitable review of our protest. Please do not hesitate to contact us if any further documentation or clarification is needed.

Attestation: "Under penalties of perjury, I declare that I submitted the protest and accompanying documents, and to the best of my personal knowledge and belief, the information stated in the protest and accompanying documents is true, correct, and complete."

Sincerely,

[Signature]

**AUTHORIZED REPRESENTATIVE**

45's Business

**ENCLOSURES:**

- Copies of Government Orders and Relevant Excerpts
- Detailed ERC Calculations for Q3 2021
- Documentation Substantiating Revenue Decline Data