

UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 95-60068
Summary Calendar

MARJORIE A. HANSEN,

Petitioner-Appellant,

VERSUS

COMMISSIONER OF INTERNAL REVENUE,

Respondent-Appellee.

Appeal from the decision of the
United States Tax Court
(93 5495)

September 18, 1995

Before DAVIS, BARKSDALE and DeMOSS, Circuit Judges

PER CURIAM:¹

The taxpayer, Marjorie Hansen, challenges the Tax Court's order denying her theft loss deduction which she claimed on her 1988 federal income tax return.

A burglary occurred in the Hansen residence in 1988 and jewelry was stolen. Taxpayer's husband was reimbursed for some of the stolen items by his insurer. In taxpayer's 1991 return, she claimed a theft loss for a number of items including some of the

¹ Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the court has determined that this opinion should not be published.

items for which her husband was reimbursed. Petitioner did not produce receipts for the items reported on her return, however, she sought to establish the cost of some of these items by her oral testimony. Petitioner also produced receipts for additional items of jewelry she now claims were also stolen in the burglary.

The Tax Court did not find the petitioner's testimony credible. It was not persuaded that the items not listed on the return were stolen. The Tax Court was entitled to make this credibility call and we will not disturb it.

As to the claimed items, petitioner presented no evidence of the fair market value of these items. While the Tax Court had considerable latitude in estimating fair market value of the items from their cost, it was not obliged to do so. See Williams v. United States, 245 F.2d 559 (5th Cir. 1957).

For the above reasons, the judgment of the Tax Court is affirmed.

AFFIRMED.