

This form may be e-filed as an attachment to an e-filed return; you cannot e-file this form by itself.

General information

What is the noncustodial parent New York State earned income credit (noncustodial EIC)?

The noncustodial EIC is a credit that may be claimed by eligible taxpayers (see below) instead of the New York State Earned Income Credit (NYS EIC) claimed on Form IT-215, *Claim for Earned Income Credit*, or Form IT-209, Schedule B. The credit is available for tax years beginning on or after January 1, 2006, and before January 1, 2013.

Who is eligible to claim this credit?

You may claim the noncustodial EIC only if you meet **all** of the following conditions for tax year 2006. You must

- be a full-year New York State resident,
- be at least 18 years of age,
- be a parent of a minor child (or children) with whom you do not reside,
- have an order in effect for at least one-half of the tax year requiring you to make child support payments payable through a Support Collection Unit (SCU) pursuant to Social Services Law section 111(h), and
- have paid an amount in child support in 2006 at least equal to the amount of current child support you were required to pay by all court orders.

What is the amount of credit?

The amount of credit is equal to the greater of:

- 20% of the federal EIC that would have been allowed if the noncustodial child met the definition of a qualifying child, computed as if you had one qualifying child and without the benefit of the joint return phase out amount (even if your filing status is 2 Married filing joint return); or
- 2.5 times the federal EIC that would have been allowed if you had satisfied the eligibility requirements, computed as if you had no qualifying children.

If the amount of the credit is greater than your tax liability, the excess may be refunded without interest.

How do I claim the noncustodial EIC?

File Form IT-209, *Claim for Noncustodial Parent New York State Earned Income Credit,* with your original 2006 NYS income tax return. If you have already filed your original return, you may file Form IT-209 by itself.

Where to file

Mail your form to:

STATE PROCESSING CENTER PO BOX 61000 ALBANY NY 12261-0001

If you need information about using a *Private delivery service* instead of the U.S. Postal Service, see the instructions for your income tax return.

If you have not previously filed your income tax return for 2006, you must file this claim with your return.

Filling in your tax forms

For complete information on how to fill in NYS scannable income tax forms, see the instructions for Form IT-150 or Form IT-201.

IT-209-I

Also see the instructions for the above returns for the *Privacy notification,* or if you need help contacting the Tax Department.

Important reminder to file a complete return

Complete and file all required forms and schedules that are part of your return. Attach only those forms and schedules that apply to your return, and make all required entries. If you file a return that is missing required pages or entries, we cannot process your return, and you may be subject to penalties and interest.

Eligibility verification

New York State will not allow a claim for the noncustodial EIC unless the Tax Department has received verification of eligibility from the Office of Temporary and Disability Assistance (OTDA) that you

- · are a parent of a minor child who does not reside with you,
- have a child support order payable through a support collection unit, and
- · are current in your payments as required by that order.

The Tax Department receives this information automatically. The eligibility verification requires no action on your part.

How to appeal disallowance of the credit due to information provided by OTDA

If you are notified that you do not qualify for the noncustodial EIC based on information provided by OTDA, you have the right to request a review of your child support qualifications for the noncustodial EIC by the SCU to which you make payments as directed in your order of support.

To request a SCU review, call the Child Support Helpline (CSH) at 1 888 208 4485. The CSH will send you a form to complete and return to the appropriate SCU for the review. The SCU will conduct the review, send you a written determination, and a copy of the determination will be provided to the Tax Department. If the SCU has determined that you are qualified, the Tax Department will process your credit.

What if I am eligible for both the noncustodial EIC and the NYS EIC?

If you are eligible for the noncustodial EIC and claimed a federal EIC for 2006, complete Schedule B to determine which credit offers you a greater benefit, since you cannot claim both the noncustodial EIC and the NYS EIC.

Line instructions

Schedule A — Noncustodial parent New York State earned income credit (noncustodial EIC)

Part 1 — Eligibility

If you answer *No* to any question on lines 1 through 7, or *Yes* to any question on lines 8, 9, or 10, **stop**; do not complete Form IT-209. You do not qualify for this credit.

Line 1 — To determine if you are a full-year resident of New York State, see the instructions for your income tax return.

Line 3— For the definition of *minor child* see the instructions for the EIC in federal Form 1040A or federal Form 1040.

Line 7 — For the federal EIC, the Social Security Administration must issue a valid social security number (SSN). If *Not Valid for Employment* is marked on your social security card because the number was issued solely for you to apply for or receive a federally funded benefit, you are not eligible.

Line 10 — You cannot claim the noncustodial EIC if your investment income is more than \$2,800. For most people, investment income is the **total amount** of the following:

- taxable interest income (from federal Form 1040A or Form 1040, line 8a);
- tax-exempt interest income (from federal Form 1040A or Form 1040, line 8b);
- ordinary dividends income (from federal Form 1040A or Form 1040, line 9a); and
- capital gains net income from Form 1040A, line 10 or Form 1040, line 13 (if more than zero).

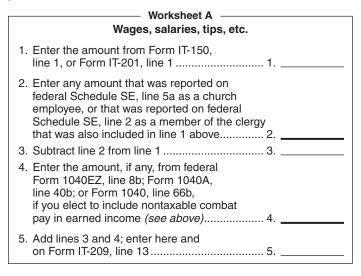
For more information on what qualifies as investment income, see federal Publication 596, *Earned Income Credit.*

Part 3 — Earned income

Line 13 — Complete Worksheet A below to determine the amount to enter on line 13.

Nontaxable combat pay

If you were a member of the U.S. Armed Forces who served in a combat zone, certain pay is excluded from your income. See federal Publication 3, *Armed Forces Tax Guide*. You can elect to include this pay in your earned income when computing the EIC. Electing to include nontaxable combat pay may increase or decrease your earned income. Compute the credit with and without your nontaxable combat pay should be shown on federal Form(s) W-2, box 12, with code Q. If you are filing a joint return and both you and your spouse received nontaxable combat pay, you can each make your own election.



Line 14 — If you were paid any amount for work while an inmate in a penal institution, or if you received a taxable scholarship or fellowship grant, or an amount as a pension or annuity from a nonqualified deferred compensation plan or a nongovernmental section 457 plan, this amount may be shown on your wage and tax statement(s) federal Form W-2, box 11. Enter the amount on line 14. Line 15 — Business income or loss applies only to federal Form 1040 filers. Complete Worksheet B below if you were self-employed, or filing federal Schedule SE because you were a member of the clergy or had church employee income, or are filing federal Schedule C or Schedule C-EZ as a statutory employee, to determine the amount to enter on line 15. Do not use a minus sign or brackets to show a loss. Mark an X in the appropriate box at line 15 to indicate if the amount reported is a profit or loss. Be sure to enter your employer identification number (EIN) for your business. If you have income or loss from more than one business, enter the EIN representing your primary business activity. If your primary business activity does not have an EIN, enter your social security number (SSN).

Worksheet B — Business income

Self-employed, members of the clergy, and people with church employee income filing Schedule SE

- Enter any amount from federal Schedule SE, Section A, line 3, or Section B, line 3..... 1a. __
- Enter any amount from federal Schedule SE, Section B, line 4b and line 5a 1b. _____
- 1c. Add lines 1a and 1b 1c. _____
 1d. Enter the amount from federal Schedule SE, Section A, line 6, or Section B, line 13,

Self-employed individuals NOT required to file Schedule SE

Do not include on these lines any statutory employee income, any net profit from services performed as a notary public, or any amounts exempt from self-employment tax as a result of the filing and approval of federal Form 4029 or federal Form 4361.

- 2a. Enter any net farm profit (or loss) from federal Schedule F, line 36, and from farm partnership, federal Form 1065, Schedule K-1, box 14, code A*...... 2a. _____
- 2c. Add lines 2a and 2b 2c. ___

* Reduce any federal Schedule K-1 amounts by any partnership section 179 expense deduction claimed, unreimbursed partnership expenses claimed, and depletion claimed on oil and gas properties. If you have any federal Schedule K-1 amounts, complete the appropriate line(s) of federal Schedule SE, Section A. Put your name and social security number on federal Schedule SE and attach it to your return.

Statutory employees filing Schedule C or C-EZ

- 3. Enter the amount from federal Schedule C, line 1, or federal Schedule C-EZ, line 1 that you are filing as a statutory employee 3.

Part 4 — Credit computation

Complete both sections (lines 18 through 32).

Lines 18 through 24 — In this section, the noncustodial EIC is computed as 20% of the federal EIC with one qualifying child.

Lines 25 through 31 — In this section, the noncustodial EIC is computed as 2.5 times the federal EIC without a qualifying child.

Line 32 — Enter the greater of line 24 or line 31. This is your noncustodial EIC. The noncustodial EIC may be claimed instead of the NYS EIC (on Form IT-215 or Form IT-209, Schedule B). You cannot claim both.

If you claimed a federal EIC for 2006, complete Schedule B to determine if the NYS EIC is more beneficial than the noncustodial EIC.

If you did not claim a federal EIC, and you have not already filed your original New York State income tax return, enter the line 32 amount on Form IT-150, line 41, or Form IT-201, line 66.

If you did not claim a federal EIC, and you have already filed your original New York State income tax return, you may file Form IT-209 by itself. See *Where to file* on page 1.

Schedule B — New York State earned income credit (NYS EIC)

Complete Schedule B only if you claimed a federal EIC for 2006.

Line 43 — If you have already filed your original 2006 New York State income tax return, and for 2006 you were not a full-year or part-year resident of New York City you may file Form IT-209 by itself. See *Where to file* on page 1. If you were a full-year or part-year resident of New York City, complete Schedule C.

Schedule C — New York City earned income credit (NYC EIC) for NYC full-year and part-year residents

If you received a federal EIC for 2006 and you were a resident or part-year resident of NYC, complete **Worksheet C** below to calculate your NYC EIC.

Instructions for completing Worksheet C

 $\mbox{Line 1}$ — You must have claimed the federal EIC for 2006 in order to claim the NYC EIC.

Line 4 — Complete this line only if your filing status is ③, Married filing separate return. See the instructions for Form IT-150 and Form IT-201 to determine your filing status. Remember that while the NYC EIC can be split in any manner you and your spouse agree to, the combined amount of both spouses' NYC credits cannot be more than the amount on line 3. If you are a full-year NYC resident, enter this amount on Form IT-209, line 45; also enter on Form IT-150, line 45, or on Form IT-201, line 70. If you are a part-year NYC resident, continue with line 5.

Lines 6 and 7 — Part-year NYC residents must also enter this amount on Form IT-209, line 46 and 47.

Note: If your filing status is ⁽²⁾, *Married filing joint return*, you and your spouse had different NYC resident periods, and you are filing separate Forms IT-360.1, enter on lines 6 and 7 the combined amount from both spouses' Forms IT-360.1.

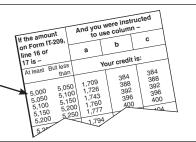
	Worksheet C New York City earned income credit (NYC EIC)	
	Amount of federal EIC claimed (from federal Form 1040EZ, line 8a, Form 1040A, line 40a, or Form 1040, line 66a) NYC EIC rate 5% (.05)	
3.	 Allowable NYC EIC (multiply line 1 by line 2) 3. If your filing status is ③, Married filing separate return, also complete line 4 below. 	
	 Part-year NYC residents must also complete lines 5 through 9 below. 	
	 All others, enter the line 3 amount on Form IT-209, line 45; also enter on Form IT-150, line 45, or on Form IT-201, line 70. 	
	If your filing status is ③, <i>Married filing</i> separate return, the NYC EIC credit on line 3 above can be divided between spouses in any manner you wish. Enter on line 4 the amount you are claiming	
	Part-year NYC residents must also complete lines 5 through 9 below.	
	 All others, enter the line 4 amount on Form IT-209, line 45; also enter on Form IT-150, line 45, or on Form IT-201, line 70. 	
	rt-year NYC residents only	
	NYC EIC (from line 3 or line 4 above) 5	
	Enter the amount from Form IT-360.1, line 20, column B; also enter this amount on Form IT-209, line 47	
	Enter the amount from Form IT-360.1, line 20, column A; also enter this amount on Form IT-209, line 46	
8.	Divide line 6 by line 7 (round the result to four decimal places; cannot exceed 1.0000) 8.	
	Part-year resident NYC EIC (multiply line 5 by line 8, and enter this amount on Form IT-209, line 45, and Form IT-201, line 70)	

2006 Noncustodial EIC Table

Caution: This is not a tax table.

- 1. To find your credit, read down the *At least* and *But less than* columns and find the line that includes the amount from your Form IT-209, line 16 or 17.
- Then, go to the column you were instructed to use and enter the credit from that column on your Form IT-209.

Example: If you were instructed to use **column a** and the amount you are looking up from Form IT-209 is \$5,000, you would enter \$1,709.



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10,300 10,350 10,400	10,300 10,350 10,400 10,450 10,500	2,747 2,747 2,747 2,747 2,747	141 137 133 130 126	294 290 286 283 279	13,25013,30013,30013,35013,35013,40013,40013,45013,45013,500	2,747 2,747 2,747 2,747 2,747 2,747	0 0 0 0 0	65 61 57 53 49	16,25016,30016,30016,35016,35016,40016,40016,45016,45016,500	2,513 2,505 2,497 2,489 2,481	0 0 0 0	0 0 0 0 0	

* If the amount you are looking up in column b is at least \$12,100 but less than \$12,120 your credit is \$1.00; above this amount you cannot take the credit.
** If the amount you are looking up in column c is at least \$14,100 but less than \$14,120 your credit is \$1.00; above this amount you cannot take the credit.

If the amount on Form IT-209,		u were ins use colum		If the amount on Form IT-209,		u were ins use colum		If the amount on Form IT-209,	And you were instructed to use column –			
line 16 or 17 is –	а	b	С	line 16 or 17 is –	а	b	с	line 16 or 17 is –	а	b	с	
At least But less than	١	Your credit i	s:	At least But less than		Your credit	is:	At least But less than		Your credit is:		
16,500 16,550 16,550 16,600 16,600 16,650 16,650 16,700 16,700 16,750	2,473 2,465 2,457 2,449 2,441	0 0 0 0	0 0 0 0	19,500 19,550 19,550 19,600 19,600 19,650 19,650 19,700 19,700 19,750	1,994 1,986 1,978 1,970 1,962	0 0 0 0	0 0 0 0 0	22,500 22,550 22,550 22,600 22,600 22,650 22,650 22,700 22,700 22,750	1,514 1,506 1,498 1,490 1,482	0 0 0 0	0 0 0 0	
16,75016,80016,80016,85016,85016,90016,90016,95016,95017,000	2,433 2,425 2,417 2,409 2,401	0 0 0 0	0 0 0 0	19,75019,80019,80019,85019,85019,90019,90019,95019,95020,000	1,954 1,946 1,938 1,930 1,922	0 0 0 0 0	0 0 0 0 0	22,750 22,800 22,800 22,850 22,850 22,900 22,900 22,950 22,950 23,000	1,474 1,466 1,458 1,450 1,442	0 0 0 0	0 0 0 0	
17,00017,05017,05017,10017,10017,15017,15017,20017,20017,250	2,393 2,385 2,377 2,369 2,361	0 0 0 0	0 0 0 0	20,000 20,050 20,050 20,100 20,100 20,150 20,150 20,200 20,200 20,250	1,914 1,906 1,898 1,890 1,882	0 0 0 0	0 0 0 0	23,000 23,050 23,050 23,100 23,100 23,150 23,150 23,200 23,200 23,250	1,434 1,426 1,418 1,410 1,402	0 0 0 0	0 0 0 0	
17,25017,30017,30017,35017,35017,40017,40017,45017,45017,500	2,353 2,345 2,337 2,329 2,321	0 0 0 0	0 0 0 0	$\begin{array}{cccc} 20,250 & 20,300 \\ 20,300 & 20,350 \\ 20,350 & 20,400 \\ 20,400 & 20,450 \\ 20,450 & 20,500 \end{array}$	1,874 1,866 1,858 1,850 1,842	0 0 0 0 0	0 0 0 0 0	23,250 23,300 23,300 23,350 23,350 23,400 23,400 23,450 23,450 23,500	1,394 1,387 1,379 1,371 1,363	0 0 0 0	0 0 0 0	
17,50017,55017,55017,60017,60017,65017,65017,70017,70017,750	2,313 2,305 2,297 2,289 2,281	0 0 0 0	0 0 0 0	20,50020,55020,55020,60020,60020,65020,65020,70020,70020,750	1,834 1,826 1,818 1,810 1,802	0 0 0 0	0 0 0 0	23,500 23,550 23,550 23,600 23,600 23,650 23,650 23,700 23,700 23,750	1,355 1,347 1,339 1,331 1,323	0 0 0 0	0 0 0 0	
17,75017,80017,80017,85017,85017,90017,90017,95017,95018,000	2,273 2,265 2,257 2,249 2,241	0 0 0 0	0 0 0 0	20,75020,80020,80020,85020,85020,90020,90020,95020,95021,000	1,794 1,786 1,778 1,770 1,762	0 0 0 0 0	0 0 0 0	23,750 23,800 23,800 23,850 23,850 23,900 23,900 23,950 23,950 24,000	1,315 1,307 1,299 1,291 1,283	0 0 0 0	0 0 0 0	
18,00018,05018,05018,10018,10018,15018,15018,20018,20018,250	2,233 2,225 2,217 2,209 2,201	0 0 0 0 0	0 0 0 0	21,000 21,050 21,050 21,100 21,100 21,150 21,150 21,200 21,200 21,250	1,754 1,746 1,738 1,730 1,722	0 0 0 0 0	0 0 0 0 0	24,000 24,050 24,050 24,100 24,100 24,150 24,150 24,200 24,200 24,250	1,275 1,267 1,259 1,251 1,243	0 0 0 0	0 0 0 0 0	
18,25018,30018,30018,35018,35018,40018,40018,45018,45018,500	2,193 2,186 2,178 2,170 2,162	0 0 0 0	0 0 0 0	21,250 21,300 21,300 21,350 21,350 21,400 21,400 21,450 21,450 21,500	1,714 1,706 1,698 1,690 1,682	0 0 0 0	0 0 0 0	$\begin{array}{cccc} 24,250 & 24,300 \\ 24,300 & 24,350 \\ 24,350 & 24,400 \\ 24,400 & 24,450 \\ 24,450 & 24,500 \end{array}$	1,235 1,227 1,219 1,211 1,203	0 0 0 0	0 0 0 0	
18,50018,55018,55018,60018,60018,65018,65018,70018,70018,750	2,154 2,146 2,138 2,130 2,122	0 0 0 0	0 0 0 0	21,500 21,550 21,550 21,600 21,600 21,650 21,650 21,700 21,700 21,750	1,674 1,666 1,658 1,650 1,642	0 0 0 0	0 0 0 0	24,500 24,550 24,550 24,600 24,600 24,650 24,650 24,700 24,700 24,750	1,195 1,187 1,179 1,171 1,163	0 0 0 0	0 0 0 0	
18,75018,80018,80018,85018,85018,90018,90018,95018,95019,000	2,114 2,106 2,098 2,090 2,082	0 0 0 0	0 0 0 0	21,750 21,800 21,800 21,850 21,850 21,900 21,900 21,950 21,950 22,000	1,634 1,626 1,618 1,610 1,602	0 0 0 0	0 0 0 0	24,75024,80024,80024,85024,85024,90024,90024,95024,95025,000	1,155 1,147 1,139 1,131 1,123	0 0 0 0	0 0 0 0	
19,00019,05019,05019,10019,10019,15019,15019,20019,20019,250	2,074 2,066 2,058 2,050 2,042	0 0 0 0 0	0 0 0 0	22,000 22,050 22,050 22,100 22,100 22,150 22,150 22,200 22,200 22,250	1,594 1,586 1,578 1,570 1,562	0 0 0 0 0	0 0 0 0 0	25,000 25,050 25,050 25,100 25,100 25,150 25,150 25,200 25,200 25,250	1,115 1,107 1,099 1,091 1,083	0 0 0 0 0	0 0 0 0 0	
19,25019,30019,30019,35019,35019,40019,40019,45019,45019,500	2,034 2,026 2,018 2,010 2,002	0 0 0 0 0	0 0 0 0	22,250 22,300 22,300 22,350 22,350 22,400 22,400 22,450 22,450 22,500	1,554 1,546 1,538 1,530 1,522	0 0 0 0 0	0 0 0 0 0	25,250 25,300 25,300 25,350 25,350 25,400 25,400 25,450 25,450 25,500	1,075 1,067 1,059 1,051 1,043	0 0 0 0 0	0 0 0 0 0	

If the amount on Form IT-209,		u were ins use colum		If the amount on Form IT-209, And you were instructe to use column –				If the amount on Form IT-209,	And you were instructed to use column –		
line 16 or 17 is –	а	b	С	line 16 or 17 is –	а	b	с	line 16 or 17 is –	а	b	С
At least But less than	Your credit is:		At least But less than	Your credit is:		At least But less than	Your credit is:				
25,500 25,550 25,550 25,600 25,600 25,650 25,650 25,700 25,700 25,750	1,035 1,027 1,019 1,011 1,003	0 0 0 0	0 0 0 0	27,750 27,800 27,800 27,850 27,850 27,900 27,900 27,950 27,950 28,000	675 667 659 651 643	0 0 0 0 0	0 0 0 0 0	30,00030,05030,05030,10030,10030,15030,15030,20030,20030,250	316 308 300 292 284	0 0 0 0	0 0 0 0
25,750 25,800 25,800 25,850 25,850 25,900 25,900 25,950 25,950 26,000	995 987 979 971 963	0 0 0 0	0 0 0 0	28,000 28,050 28,050 28,100 28,100 28,150 28,150 28,200 28,200 28,250	635 627 619 611 603	0 0 0 0 0	0 0 0 0 0	30,25030,30030,30030,35030,35030,40030,40030,45030,45030,500	276 268 260 252 244	0 0 0 0	0 0 0 0
26,000 26,050 26,050 26,100 26,100 26,150 26,150 26,200 26,200 26,250	955 947 939 931 923	0 0 0 0 0	0 0 0 0 0	28,250 28,300 28,300 28,350 28,350 28,400 28,400 28,450 28,450 28,500	595 588 580 572 564	0 0 0 0 0	0 0 0 0 0	30,50030,55030,55030,60030,60030,65030,65030,70030,70030,750	236 228 220 212 204	0 0 0 0 0	0 0 0 0 0
26,25026,30026,30026,35026,35026,40026,40026,45026,45026,500	915 907 899 891 883	0 0 0 0 0	0 0 0 0 0	28,500 28,550 28,550 28,600 28,600 28,650 28,650 28,700 28,700 28,750	556 548 540 532 524	0 0 0 0 0	0 0 0 0 0	30,75030,80030,80030,85030,85030,90030,90030,95030,95031,000	196 188 180 172 164	0 0 0 0 0	0 0 0 0 0
26,50026,55026,55026,60026,60026,65026,65026,70026,70026,750	875 867 859 851 843	0 0 0 0 0	0 0 0 0 0	28,750 28,800 28,800 28,850 28,850 28,900 28,900 28,950 28,950 29,000	516 508 500 492 484	0 0 0 0 0	0 0 0 0 0	31,000 31,050 31,050 31,100 31,100 31,150 31,150 31,200 31,200 31,250	156 148 140 132 124	0 0 0 0 0	0 0 0 0 0
26,75026,80026,80026,85026,85026,90026,90026,95026,95027,000	835 827 819 811 803	0 0 0 0 0	0 0 0 0 0	29,000 29,050 29,050 29,100 29,100 29,150 29,150 29,200 29,200 29,250	476 468 460 452 444	0 0 0 0 0	0 0 0 0 0	31,250 31,300 31,300 31,350 31,350 31,400 31,400 31,450 31,450 31,500	116 108 100 92 84	0 0 0 0 0	0 0 0 0 0
27,000 27,050 27,050 27,100 27,100 27,150 27,150 27,200 27,200 27,250	795 787 779 771 763	0 0 0 0 0	0 0 0 0 0	29,250 29,300 29,300 29,350 29,350 29,400 29,400 29,450 29,450 29,500	436 428 420 412 404	0 0 0 0 0	0 0 0 0 0	31,500 31,550 31,550 31,600 31,600 31,650 31,650 31,700 31,700 31,750	76 68 60 52 44	0 0 0 0 0	0 0 0 0 0
27,250 27,300 27,300 27,350 27,350 27,400 27,400 27,450 27,450 27,500	755 747 739 731 723	0 0 0 0 0	0 0 0 0 0	29,500 29,550 29,550 29,600 29,600 29,650 29,650 29,700 29,700 29,750	396 388 380 372 364	0 0 0 0 0	0 0 0 0 0	31,750 31,800 31,800 31,850 31,850 31,900 31,900 31,950 31,950 32,000	36 28 20 12 4	0 0 0 0 0	0 0 0 0 0
27,500 27,550 27,550 27,600 27,600 27,650 27,650 27,700 27,700 27,750	715 707 699 691 683	0 0 0 0	0 0 0 0	29,750 29,800 29,800 29,850 29,850 29,900 29,900 29,950 29,950 30,000	356 348 340 332 324	0 0 0 0 0	0 0 0 0 0	32,00 or more	0	0	0