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Armed Forces' Tax Guide

For use in preparing
1998 Returns



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Important Changes for 1998

Earned income credit. The amount you can earn and still qualify for the credit has increased for 1998. The amount you earn must be less than \$10,030 with no

qualifying children, \$26,473 with one qualifying child, and \$30,095 with two or more qualifying children.

Child tax credit. You may be able to claim a tax credit of up to \$400 (\$500 beginning in 1999) for each of your qualifying children under the age of 17.

Education benefits. There are new benefits for education.

Hope credit. You may be able to claim a tax credit of up to \$1,500 for each eligible student.

Lifetime learning credit. For expenses paid after June 30, 1998, you may be able to claim a tax credit of up to \$1,000 for the total qualified tuition and related expenses paid during the tax year.

Education IRAs. You may be able to make non-deductible contributions of up to \$500 to an education IRA for a designated beneficiary under age 18.

Interest on student loans. You may be able to claim a deduction for interest paid on a qualified student loan. For 1998, the maximum deduction is \$1,000.

For more information, see Publication 970, *Tax Benefits for Higher Education*.

Individual retirement arrangement (IRA) changes.

There are various new tax benefits that relate to IRAs. Generally, more taxpayers can benefit from IRAs. If you are covered under an employer retirement plan, the amount of income you can have and still claim a deduction for a contribution to a traditional IRA has increased in most cases. See Publication 590, *Individual Retirement Arrangements (IRAs)*.

Introduction

This publication covers the special tax situations of active members of the U.S. Armed Forces. It does not cover military pensions or veterans' benefits or give the basic tax rules that apply to all taxpayers. For information on military pensions or veterans' benefits, see Publication 525, *Taxable and Nontaxable Income*. If you need the basic tax rules or information on another subject not covered here, you can check our other free publications.

For federal tax purposes, the U.S. Armed Forces includes commissioned officers and enlisted personnel in all regular and reserve units under control of the Secretaries of the Defense, Army, Navy, and Air Force. The Armed Forces also includes the Coast Guard. It does not include members of the U.S. Merchant Marine or the American Red Cross.

Members serving in an area designated or treated as a combat zone are granted special tax benefits. In the event an area ceases to be a combat zone (by Presidential Executive Order or by statute), we will do our best to notify you. Many of the relief provisions will end at that time.

Members serving in a **qualified hazardous duty area** designated by statute are afforded the same benefits as members serving in a **combat zone** designated by Executive Order. In this publication, the term

"combat zone" applies to both areas.

Useful Items

You may want to see:

Publication

- 54** Tax Guide for U.S. Citizens and Resident Aliens Abroad
- 463** Travel, Entertainment, Gift, and Car Expenses
- 501** Exemptions, Standard Deduction, and Filing Information
- 508** Educational Expenses
- 516** U.S. Government Civilian Employees Stationed Abroad
- 519** U.S. Tax Guide for Aliens
- 521** Moving Expenses
- 523** Selling Your Home
- 527** Residential Rental Property
- 529** Miscellaneous Deductions
- 553** Highlights of 1998 Tax Changes
- 559** Survivors, Executors, and Administrators
- 590** Individual Retirement Arrangements (IRAs)
- 596** Earned Income Credit
- 970** Tax Benefits for Higher Education

Form (and Instructions)

- 1040X** Amended U.S. Individual Income Tax Return
- 1310** Statement of Person Claiming Refund Due a Deceased Taxpayer
- 2848** Power of Attorney and Declaration of Representative
- 4868** Application for Automatic Extension of Time To File U.S. Individual Income Tax Return
- 2688** Application for Additional Extension of Time To File U.S. Individual Income Tax Return
- 8822** Change of Address
- 9465** Installment Agreement Request

See *How To Get More Information*, near the end of this publication, for information about getting these publications and forms.

Gross Income

Members of the Armed Forces receive many different types of pay and allowances. Some are includible in gross income while others are excludable from gross income. Includible items are subject to tax and must be reported on your tax return. Excludable items are

not subject to tax, but may have to be shown on your tax return.

For information on the exclusion of pay for service in a combat zone and other tax benefits for combat zone participants, see *Combat Zone Exclusion* on page 5 and *Extension of Deadline* on page 17.

Includible Items

These items are includible in gross income, **unless** the pay is for service in a combat zone.

- Basic pay**
 - Active duty
 - Attendance at a designated service school
 - Back wages
 - Drills
 - Reserve training
 - Training duty
- Special pay**
 - Aviation career incentives
 - Diving duty
 - Foreign duty (outside the 48 contiguous states and the District of Columbia)
 - Hostile fire
 - Imminent danger
 - Medical and dental officers
 - Nuclear-qualified officers
 - Special duty assignment pay
- Bonuses**
 - Enlistment
 - Reenlistment
- Other payments**
 - Accrued leave
 - Personal money allowances paid to high-ranking officers
 - Student loan repayment from programs such as the General Educational Loan Repayment Program

Excludable Items

These items are excludable from gross income. The exclusion applies whether the item is furnished in kind or is a reimbursement or allowance. There is no exclusion for the personal use of a government-provided vehicle.

- Living allowances**
 - BAH (Basic Allowance for Housing)
You can deduct mortgage interest and real estate taxes on your home even if you pay these expenses with your BAH.
 - BAS (Basic Allowance for Subsistence)
 - Housing and cost-of-living allowances abroad whether paid by the U.S. Government or by a foreign government.
 - VHA (Variable Housing Allowance)
- Family allowances**
 - Certain educational expenses for dependents
 - Emergencies
 - Evacuation to a place of safety
 - Separation
- Death allowances**
 - Burial services
 - Death gratuity payments (up to \$3,000) to eligible survivors
 - Travel of dependents to burial site

- Moving allowances**
 - Dislocation
 - Move-in housing
 - Moving household and personal items
 - Moving trailers or mobile homes
 - Storage
 - Temporary lodging and temporary lodging expenses
- Travel allowances**
 - Annual round trip for dependent students
 - Leave between consecutive overseas tours
 - Reassignment in a dependent-restricted status
 - Transportation for you or your dependents during ship overhaul or inactivation
 - Per diem
- Other payments**
 - Defense counseling
 - Disability
 - Group-term life insurance
 - Professional education
 - ROTC educational and subsistence allowances
 - Survivor and retirement protection plan premiums
 - Uniform allowances
 - Uniforms furnished to enlisted personnel
- In-kind military benefits**
 - Legal assistance
 - Space-available travel on government aircraft
 - Medical/dental care
 - Commissary/exchange discounts

Foreign Source Income

If you are a U.S. citizen with income from sources outside the United States (foreign income), you must report all that income on your tax return unless it is exempt by U.S. law. This is true whether you reside inside or outside the United States and whether or not you receive a Form W-2, *Wage and Tax Statement* or 1099 statement from the foreign payor. This applies to earned income (such as wages and tips) as well as unearned income (such as interest, dividends, capital gains, pensions, rents, and royalties).

Certain taxpayers can exclude income earned in foreign countries. For 1998, this exclusion amount is \$72,000. However, the foreign earned income exclusion **does not** apply to the wages and salaries of military and civilian employees of the U.S. Government. U.S. Government employees include those who work at Armed Forces post exchanges, officers' and enlisted personnel clubs, embassy commissaries, and similar personnel paid from nonappropriated funds. Other foreign income earned by military personnel or their spouses may be eligible for the foreign earned income exclusion.

For more information on the exclusion, get Publication 54.

Residents of American Samoa may be able to exclude income from certain possessions. This possession exclusion does not apply to wages and salaries of military and civilian employees of the U.S. Government. If you need information on the possession exclusion, get Publication 570, *Tax Guide for Individuals With Income From U.S. Possessions*.

Community Property

The pay you earn as a member of the Armed Forces may be subject to community property laws depending on your marital status, your domicile, and the nature of the payment. The community property states are Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, Washington, and Wisconsin.

Marital status. Community property rules apply to married persons whose domicile during the tax year was in a community property state. The rules may affect your tax liability if you file separate returns or are divorced during the year.

Domicile. Your domicile is the permanent legal home you intend to use for an indefinite or unlimited period, and to which, when absent, you intend to return. It is not always where you presently live.

Nature of the payment. Active duty military pay is subject to community property laws. Armed Forces retired or retainer pay may be subject to community property laws.

For more information on community property laws, get Publication 555, *Community Property*.

Adjustments to Income

Adjusted gross income is your total income minus certain adjustments. Two adjustments are of particular interest to members of the Armed Forces.

Individual Retirement Arrangements

For purposes of a deduction for contributions to a traditional individual retirement arrangement (IRA), Armed Forces members (including reservists on active duty for more than 90 days) are considered to be active participants in an employer-maintained retirement plan.

Individuals serving in the U.S. Armed Forces or in support of the U.S. Armed Forces in designated combat zones have additional time to make a qualified retirement contribution to an IRA. For more information on this extension of deadline provision, see *Extension of Deadline*, later. For information on IRAs, get Publication 590.

Moving Expenses

To deduct moving expenses, you generally must meet certain time and distance tests. However, members of the Armed Forces who move because of a permanent change of station do not have to meet these tests. Moving expenses are reported on Form 3903, *Moving Expenses*.

Permanent change of station. A permanent change of station includes:

- A move from home to the first post of active duty,
- A move from one permanent post of duty to another, and

- A move from the last post of duty to your home or to a nearer point in the United States if you move within one year of ending active duty or according to the Joint Travel Regulations.

Spouse and dependents. If a member of the Armed Forces deserts, is imprisoned, or dies, a permanent change of station for the spouse or dependent includes a move to the place of enlistment or to the member's, spouse's, or dependent's home of record or nearer point in the United States.

If the government moves you and your spouse or dependents to or from separate locations, the moves are considered a single move to your post of duty. All expenses are combined.

Reimbursements. Do not include in income the value of moving and storage services provided by the government in connection with a permanent change of station. Similarly, do not include in income amounts received as a dislocation allowance, temporary lodging expense, temporary lodging allowance, or move-in housing allowance. Because these allowances are excluded from gross income, you cannot deduct any moving expenses unless the total amount of your moving expenses exceeds the total amount of your moving allowances. If you receive reimbursements or allowances from the government (other than those mentioned above) that are more than your actual moving expenses, include the excess in income.

If you must relocate and your spouse and dependents move to or from a different location, do not include in income reimbursements, allowances, or the value of moving and storage services provided by the government to move you and your spouse and dependents to and from the separate locations.

Do not deduct any expenses for moving services that were provided by the government, or that were reimbursed to you, that you did not include in income.

Deductible moving expenses. You can deduct only reasonable unreimbursed moving expenses that are incurred by you and members of your household. (A member of your household is anyone who has both your former home and your new home as his or her main home. It does not include a tenant or employee unless you can claim that person as a dependent.) You cannot deduct the cost of unnecessary side trips or lavish and extravagant lodging.

You can deduct expenses (if not reimbursed or furnished in kind) for the following items.

- 1) Moving household goods and personal effects, including expenses for hauling a trailer, packing, crating, in-transit storage, and insurance. You cannot deduct expenses for moving furniture or other goods you bought on the way from the old home to the new home.
- 2) Reasonable travel and lodging expenses from the old home to the new home, including automobile expenses (either actual expenses or 10 cents per mile) and air fare. You cannot deduct any expenses for meals.

Foreign moves. A foreign move is a move from the United States or its possessions to a foreign country or from one foreign country to another foreign country. It is not a move from a foreign country to the United States or its possessions.

For a foreign move, the deductible moving expenses described earlier include the reasonable expenses of:

- Moving your household goods and personal effects to and from storage, and
- Storing these items for part or all of the period during which the new place of work continues to be your principal place of work.

Reporting moving expenses. Figure moving expense deductions on Form 3903. Carry the deduction from Form 3903 to line 26, Form 1040.

More information. For more information, get Publication 521 and see the Form 3903 instructions.

Combat Zone Exclusion

If you are a member of the U.S. Armed Forces who serves in a combat zone (defined later), you can exclude certain pay from your income. You do not have to receive the pay while you are in a combat zone, are hospitalized, or in the same year you served in a combat zone. However, your entitlement to the pay must have fully accrued in a month during which you served in the combat zone or were hospitalized as a result of wounds, disease, or injury incurred while serving in the combat zone. Enlisted personnel, warrant officers, and commissioned warrant officers can exclude the following amounts from their income. (Officer personnel are discussed later.)

- Active duty pay earned in any month you served in a combat zone.
- Imminent danger/hostile fire pay.
- A reenlistment bonus if the voluntary extension or reenlistment occurs in a month you served in a combat zone.
- Pay for accrued leave earned in any month you served in a combat zone. The Department of Defense must determine that the unused leave was earned during that period.
- Pay received for duties as a member of the Armed Forces in clubs, messes, post and station theaters, and other nonappropriated fund activities. The pay must be earned in a month you served in a combat zone.
- Awards for suggestions, inventions, or scientific achievements you are entitled to because of a submission you made in a month you served in a combat zone.
- Student loan repayments that are attributable to your period of service in a combat zone.

Retirement pay and pensions do not qualify for the combat zone exclusion.

Combat Zone

A combat zone is any area the President of the United States designates by Executive Order as an area in which the U.S. Armed Forces are engaging or have engaged in combat. An area usually becomes a combat zone and ceases to be a combat zone on the dates the President designates by Executive Order.

Persian Gulf area. By Executive Order 12744, the following locations (and airspace) were designated as a combat zone beginning January 17, 1991.

- The Persian Gulf,
- The Red Sea,
- The Gulf of Oman,
- The part of the Arabian Sea that is north of 10 degrees north latitude and west of 68 degrees east longitude,
- The Gulf of Aden, and
- The total land areas of Iraq, Kuwait, Saudi Arabia, Oman, Bahrain, Qatar, and the United Arab Emirates.

This publication refers to the above areas as the Persian Gulf area combat zone.

Qualified hazardous duty area. Beginning November 21, 1995, a “qualified hazardous duty area” in the former Yugoslavia is treated as if it were a combat zone. The qualified hazardous duty area includes:

- Bosnia and Herzegovina,
- Croatia, and
- Macedonia.

Members of the Armed Forces deployed overseas away from their permanent duty station in support of Operation Joint Guard (or Joint Forge), but outside the former Yugoslavia (including service in ships in the Adriatic or Mediterranean Seas), are treated as if they are in a combat zone solely for the purposes of the extension of deadlines. These personnel are not entitled to other combat zone tax benefits.

Serving in a Combat Zone

Service in a combat zone includes any periods you are absent from duty because of sickness, wounds, or leave. If, as a result of serving in a combat zone, a person becomes a prisoner of war or is missing in action, that person is considered to be serving in the combat zone so long as he or she keeps that status for military pay purposes.

Qualifying service outside combat zone. Military service outside a combat zone is considered to be performed in a combat zone if:

- 1) The service is in direct support of military operations in the combat zone, and

- 2) The service qualifies you for special military pay for duty subject to hostile fire or imminent danger.

Military pay received for this service will qualify for the combat zone exclusion if the other requirements are met.

Nonqualifying presence in combat zone. The following military service does not qualify as service in a combat zone:

- 1) Presence in a combat zone while on leave from a duty station located outside the combat zone,
- 2) Passage over or through a combat zone during a trip between 2 points that are outside a combat zone, and
- 3) Presence in a combat zone solely for your personal convenience.

But you are considered to be serving in a combat zone if you are assigned on official temporary duty to a combat zone, or if you qualify for hostile fire/imminent danger pay.

Amount of Exclusion

If you are an enlisted member, warrant officer, or commissioned warrant officer and you serve in a combat zone during any part of a month, all of your military pay for that month is excluded from your income. You can also exclude military pay earned while you are hospitalized as a result of wounds, disease, or injury incurred in the combat zone. The exclusion of your military pay while you are hospitalized does not apply to any month that begins more than 2 years after the end of combat activities in that combat zone. Your hospitalization does not have to be in the combat zone.

If you are a commissioned officer (other than a commissioned warrant officer), you may exclude your pay according to the rules just discussed. However, the amount of your exclusion is limited to the highest rate of enlisted pay (plus imminent danger/hostile fire pay you received) for each month during any part of which you served in a combat zone or were hospitalized as a result of your service there.

Hospitalized while serving in the combat zone. If you are hospitalized while serving in the combat zone, the wound, disease, or injury causing the hospitalization will be presumed to have been incurred while serving in the combat zone unless there is clear evidence to the contrary.

Example. You are hospitalized for a specific disease after serving in a combat zone for 3 weeks, and the disease for which you are hospitalized has an incubation period of 2 to 4 weeks. The disease is presumed to have been incurred while you were serving in the combat zone. On the other hand, if the incubation period of the disease is one year, the disease would not have been incurred while you were serving in the combat zone.

Hospitalized after leaving the combat zone. In some cases the wound, disease, or injury may have been incurred while you were serving in the combat zone, even though you were not hospitalized until after you left.

Example. You were hospitalized for a specific disease 3 weeks after you left the combat zone. The incubation period of the disease is from 2 to 4 weeks. The disease is presumed to have been incurred while serving in the combat zone.

Form W-2. The wages shown in box 1 of your 1998 Form W-2 should not include military pay excluded from your income under the combat zone exclusion provisions. If it does, you will need to get a corrected Form W-2 from your finance office.

You cannot exclude as combat pay any wages shown in box 1 of Form W-2.

Alien Status

For tax purposes, an alien is an individual who is not a U.S. citizen. An alien is in one of three categories: resident, nonresident, or dual-status. Determining the correct status is crucial in determining what income to report and what forms to file. For details about alien status other than the information that follows, get Publication 519.

Most members of the Armed Forces are U.S. citizens or resident aliens. However, if you have questions about your alien status or the alien status of your dependents or spouse, you should read the following section.

Under peacetime enlistment rules, you generally cannot enlist in the Armed Forces unless you are a citizen or have been legally admitted to the United States for permanent residence. If you are an alien enlistee in the Armed Forces, you are probably a resident alien. If, under an income tax treaty, you are considered a resident of a foreign country, see your base legal officer. Other aliens who are in the United States only because of military assignments and who have a home outside the United States are nonresident aliens. Guam and Puerto Rico have special rules. Residents of those areas should contact their taxing authority with their questions.

Resident Aliens

You are considered a U.S. resident alien for tax purposes if you meet either the **green card test** or the **substantial presence test** for the calendar year (January 1 – December 31). These tests are explained in Publication 519. Generally, resident aliens are taxed on their worldwide income and file the same tax forms as U.S. citizens.

Treating nonresident alien spouse as resident alien.

A nonresident alien spouse can be treated as a resident alien if **all** the following conditions are met.

- 1) One spouse is a U.S. citizen or resident alien at the end of the tax year,

- 2) That spouse is married to the nonresident alien at the end of the tax year, and
- 3) You both choose to treat the nonresident alien spouse as a resident alien.

Making the choice. Both you and your spouse must sign a statement and attach it to your joint return for the first tax year for which the choice applies. Include in the statement:

- 1) A declaration that one spouse was a nonresident alien and the other was a U.S. citizen or resident alien on the last day of the year,
- 2) A declaration that both spouses choose to be treated as U.S. residents for the entire tax year, and
- 3) The name, address, and taxpayer identification number (social security number or individual taxpayer identification number) of each spouse. If the nonresident alien spouse is not eligible to get a social security number, he or she should file Form W-7, *Application for IRS Individual Taxpayer Identification Number* (ITIN). ITINs may be available through the nearest overseas base legal office or U.S. consulate.



Once you make this choice, the nonresident alien spouse's worldwide income is subject to U.S. tax. If the nonresident alien spouse has substantial foreign income, there may be no advantage to making this choice.

Ending the choice. Once you make this choice, it applies to all later years unless one of the following situations occurs.

- You or your spouse revokes the choice.
- You or your spouse dies.
- You and your spouse become legally separated under a decree of divorce or separate maintenance.
- The Internal Revenue Service ends the choice because of inadequate records.

For specific details on these situations, get Publication 519.

If the choice is ended for any of these reasons, neither spouse can make the choice for any later year. This applies to a divorced individual who previously made the choice and later remarries.

Choice not made. If you and your nonresident alien spouse do not make this choice:

- You cannot file a joint return. You can file as married filing separately or head of household if you qualify.
- You can claim an exemption for your nonresident alien spouse if he or she has no gross income for U.S. tax purposes and is not another taxpayer's dependent (see *Dependency Exemptions*, later).
- The nonresident alien spouse generally does not have to file a federal income tax return if he or she had no income from sources in the United States. If a return has to be filed, see the next discussion.

- The nonresident alien spouse is not eligible for the earned income credit.

Nonresident Aliens

A nonresident alien is an alien who does not meet the requirements for resident alien, as discussed earlier. If required to file a federal tax return, nonresident aliens must file either Form 1040NR, *U.S. Nonresident Alien Income Tax Return*, or Form 1040NR-EZ, *U.S. Tax Return for Certain Nonresident Aliens With No Dependents*. See the form instructions for information on who must file and filing status.

Nonresident aliens generally must pay tax on income from sources in the United States. A nonresident alien's income that is from conducting a trade or business in the United States is taxed at regular U.S. tax rates. Other income from U.S. sources is taxed at a 30% (or lower treaty) rate. For example, dividends from a U.S. corporation paid to a nonresident alien generally are subject to a 30% (or lower treaty) rate.

Dual-Status Aliens

An alien may be both a nonresident and resident alien during the same tax year, usually the year of arrival or departure. Dual-status aliens are taxed on income from all sources for the part of the year they are resident aliens. Generally, they are taxed only on income from sources in the United States for the part of the year they are nonresident aliens.

Dependency Exemptions

Exemptions reduce your income subject to tax. For 1998, you generally can deduct \$2,700 for each exemption you claim for yourself, your spouse, and each person who qualifies as your dependent. If another taxpayer can claim an exemption for you or your spouse, you cannot claim the exemption on your tax return. If you can claim an exemption for a dependent, that dependent cannot claim a personal exemption on his or her tax return.

To claim an exemption for a dependent on your tax return, you must list a valid taxpayer identification number (either an SSN, ITIN, or adoption taxpayer identification number (ATIN)) for each dependent.



If you do not provide a number when the form asks for it or if you list an incorrect number, the IRS may deny the exemption and bill you for additional tax.

Dependents

You can claim an exemption for your dependent if all the following tests are met:

- Member of household or relationship test,
- Citizenship test,
- Joint return test,
- Gross income test, and
- Support test.

For specific information on these tests, get Publication 501.

For the member of household or relationship test, the person must be related to you or be a member of your household for the entire year.

For the joint return test, the person generally cannot file a joint return.

For the gross income test, the person must have gross income of less than \$2,700. This test does not apply if the person is your child and is under age 19 or is a full-time student under age 24.

The citizenship test and the support test are of special interest to members of the Armed Forces.

Citizenship Test

To be considered your dependent, the person must be a U.S. citizen or resident, or a resident of Canada or Mexico.

Your child. Children are usually citizens or residents of the country of their parents.

Child born in a foreign country. If you were a U.S. citizen when your child was born, the child may be considered a U.S. citizen for tax purposes. This applies even if the other parent was a nonresident alien (see *Alien Status*, earlier) and the child was born in a foreign country.

Child living abroad. You can claim your child's exemption if the child is a U.S. citizen and meets the other tests. It does not matter that the child lives abroad with the nonresident alien parent.

Legal adoption. If you legally adopt a child who is not a U.S. citizen or resident, you can claim the child's exemption if the other tests are met. The child must have had your home as his or her main home and be a member of your household for the entire year.

Example. Sergeant John Smith is a U.S. citizen and has been in the U.S. Army for 16 years. He is stationed in Germany. He and his wife, a German citizen, have a 2-year-old son who was born in Germany and who has dual citizenship—U.S. and German. Sergeant Smith's stepdaughter, a German citizen whom Sergeant Smith has not adopted, also lives with them. Only his son can be considered a U.S. citizen for whom a dependency exemption can be claimed. His stepdaughter does not qualify as a U.S. citizen or resident.

Support Test

To be considered your dependent, the person must receive more than half his or her support from you during the year. To figure if you provided more than half the support of a person, you must first determine the total support provided for that person.

Total support includes amounts spent to provide food, lodging, clothing, education, medical and dental care, recreation, transportation, and similar necessities.

Generally, the amount of an item of support is the cost to provide it. Expenses that are not directly related to any one member of a household, such as the cost of food for the household, must be divided among members of the household. If the item is property or lodging, the amount of the item is the rent paid or its fair rental value.

Divorced or separated parents. Different rules apply to the support test for children of divorced or separated parents. These rules are discussed in Publication 501.

Dependency allotments. You can authorize an allotment from your pay for the support of your dependents. The amount is considered as provided by you in figuring whether you provide more than half the dependent's support.

If an allotment is used to support persons other than those you name, you can claim their exemptions if they otherwise qualify.

Example. Army Sergeant Jeff Banks authorizes an allotment for his widowed mother. She uses the money to support herself and Jeff's 10-year-old sister. If that amount provides more than half their support, Jeff can claim an exemption for each of them, if they otherwise qualify, even though he only authorized the allotment for his mother.

Dependent in the Armed Forces. Generally, an exemption cannot be claimed for a person who is in the Armed Forces or is at one of the Armed Forces academies for the entire year because the support test will not have been met. However, if your dependent receives only partial support from the Armed Forces, you can still claim the exemption if you provided more than half his or her support and the other tests are met.

Example. Leslie James is 18 and single. She graduated from high school in June 1998 and entered the U.S. Air Force in September 1998. Leslie provided \$4,400 (her wages of \$3,400 and \$1,000 for other items provided by the Air Force) for her support that year. Her parents provided \$4,100. Her parents cannot claim a dependency exemption for her for 1998 because they did not provide more than half her support.

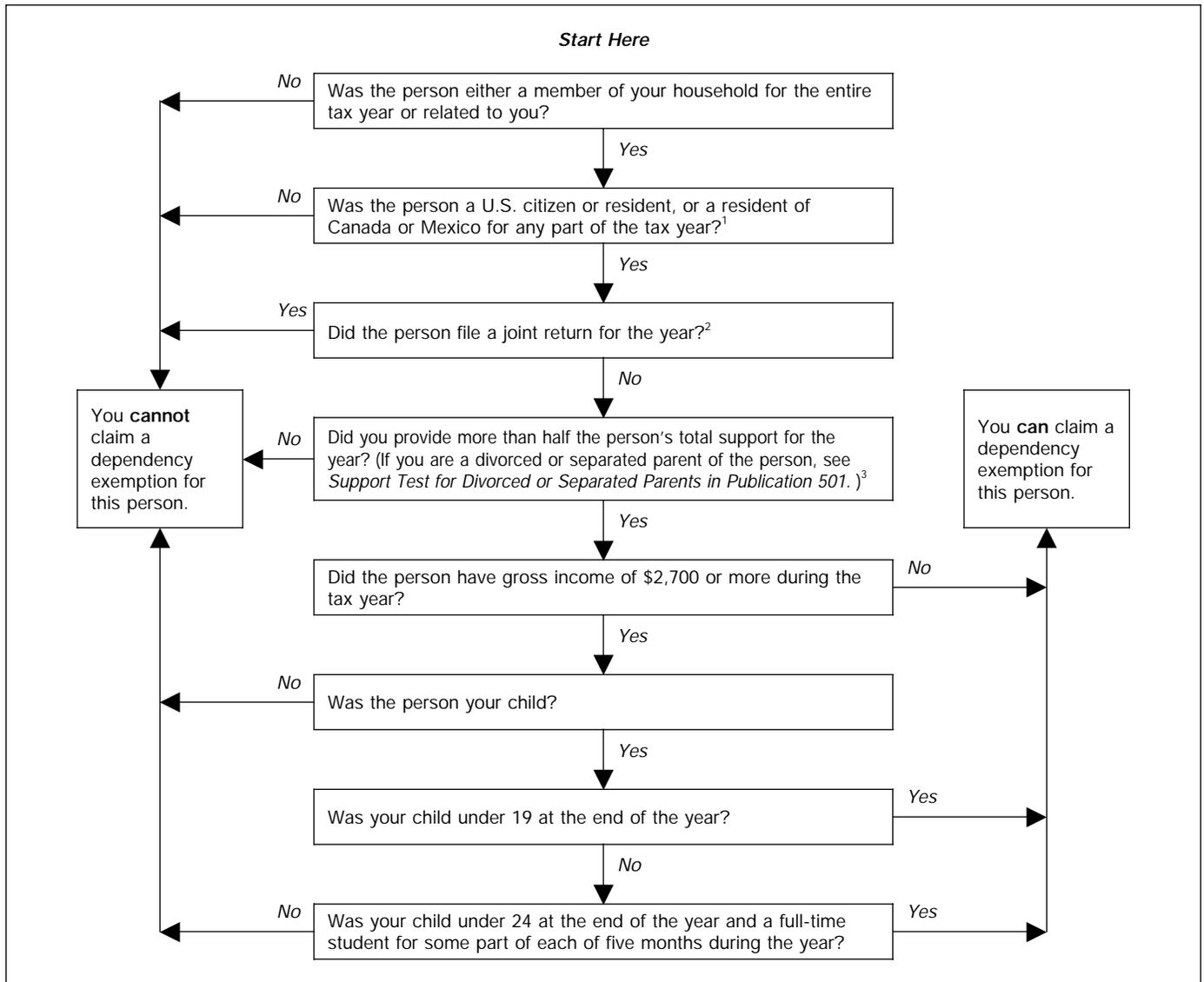
Sale of Home

You can exclude up to \$250,000 of gain (\$500,000 if married filing a joint return) in most cases realized on the sale or exchange of a main home in 1998. The exclusion is allowed each time you sell or exchange a main home, but generally not more than once every two years. To be eligible, the property must have been owned and used as your main home for a combined period of at least two years out of the five years prior to the sale or exchange.

For sales **before May 7, 1997**, different rules applied. Under those rules, you had to buy and live in a new home within a specified replacement period in order to postpone paying tax on all or part of the gain from the sale of your main home. If you sold your main home before May 7, 1997, and bought your new home in 1998 or later (or did not buy a new home within the replacement period), see chapter 3 of Publication 523 for more information about how those rules may affect you.

For more information on both the old and new laws, see Publication 523.

Figure A. Can You Claim a Dependency Exemption?



¹ If the person was your legally adopted child and lived in your home as a member of your household for the entire tax year, answer "yes" to this question.

² If neither the person nor the person's spouse is required to file a return but they file a joint return to claim a refund of tax withheld, you may answer "no" to this question.

³ Answer "yes" to this question if you meet the multiple support requirements under *Multiple Support Agreement* in Publication 501.

Property used for rental or business. You may be able to exclude your gain from the sale of a home that you have used as a rental property or for business. But you must meet the ownership and use tests discussed in Publication 523.

- Publication 526, *Charitable Contributions*
- Publication 547, *Casualties, Disasters, and Thefts (Business and Nonbusiness)*
- Publication 550, *Investment Income and Expenses*

Itemized Deductions

To figure your taxable income, you must subtract either your standard deduction or your itemized deductions from adjusted gross income. For information on the standard deduction, get Publication 501.

Itemized deductions are figured on Schedule A (Form 1040). This chapter discusses itemized deductions of particular interest to members of the Armed Forces. For information on other itemized deductions, get the publications listed below.

- Publication 502, *Medical and Dental Expenses*

Miscellaneous Itemized Deductions

You must reduce the total of most miscellaneous itemized deductions by 2% of your adjusted gross income. For information on deductions that are not subject to the 2% limit, get Publication 529.

Employee Business Expenses

Deductible employee business expenses are miscellaneous itemized deductions subject to the 2% limit. For information on employee business expenses, get Publication 463.

Generally, you must file Form 2106, *Employee Business Expenses*, or Form 2106-EZ, *Unreimbursed Employee Business Expenses*, to claim these expenses. You do not have to file Form 2106 or Form 2106-EZ if you are claiming only unreimbursed expenses for uniforms, professional society dues, and work-related educational expenses (all discussed later). You can deduct these expenses directly on Schedule A (Form 1040).

Reimbursement. Generally, to receive reimbursement, per diem, or other allowances from the government, you must adequately account for your expenses and return any excess reimbursement. Therefore, the amount you receive is not included on your Form W-2, and your reimbursed expenses are not deductible.

If your expenses are more than your reimbursement, the excess expenses are deductible (subject to the 2% limit) if you can prove them. If this is your situation, you must file Form 2106.

You can use the shorter Form 2106-EZ if you meet both of the following conditions.

- 1) You were not reimbursed for your expenses, or if you were reimbursed, the amount you received was included in your income in box 1 of your Form W-2.
- 2) If you claim car expenses, you use the standard mileage rate. If you own the car, you must have also used the standard mileage rate for the year you first placed the car in service.



For 1998, the standard mileage rate has been increased to 32.5 cents for each mile of business use.

Travel expenses. You can deduct unreimbursed travel expenses only if they are incurred while you are traveling away from home. To be deductible, your travel expenses must be work related. You cannot deduct any expenses for personal travel, such as visits to family while on furlough, leave, or liberty.

Away from home. Home is your permanent duty station (which can be a ship or base), regardless of where you or your family live. You are away from home if you are away from your permanent duty station substantially longer than an ordinary day's work and you need to get sleep or rest to meet the demands of your work while away from home.

Examples of deductible travel expenses include:

- Expenses for meals (generally limited to 50% of your cost), lodging, taxicabs, business telephone calls, tips, laundry, and dry cleaning while you are away from home on temporary duty or temporary additional duty, and
- Expenses of carrying out official business while on "No Cost" orders.



You cannot deduct any expenses for travel away from your tax home if the period of temporary employment is for more than one year. This rule may not apply if you are participating in a

federal crime investigation or prosecution. For more information, see Publication 463 and Form 2106 instructions.

Reservists. You can deduct travel expenses if you are under competent orders, with or without pay, and away from your main place of business overnight to perform drills and training duty.

If you are called to active duty, you can deduct travel expenses if you keep your regular job while on active duty, return to your job after release, and are stationed away from the general area of your regular job or business. However, you can deduct these expenses only if you pay for them at your official military post and only to the extent the expenses exceed BAH and BAS.

Transportation expenses. Transportation expenses are the costs you have to get from one workplace to another while not traveling away from home. These expenses include the costs of operating and maintaining a car, but do not include meals and lodging. If you must go from one workplace to another while on duty (for example, as a courier or to attend meetings) without being away from home, your unreimbursed transportation expenses are deductible. If you must use your own vehicle, you can deduct your expenses. However, the expenses of getting to and from your regular place of work are not deductible.

Temporary work location. If you have a regular place of business and commute to a temporary work location, you can deduct the expenses of the daily round-trip transportation between your home and the temporary location. A temporary location is one where you work on an irregular or short-term basis (generally a matter of days or weeks).

If you do **not** have a regular place of business, but you ordinarily work in the metropolitan area where you live, you can deduct daily transportation expenses between your home and a temporary work site outside your metropolitan area. However, you cannot deduct daily transportation costs between your home and temporary work sites within your metropolitan area.

Uniforms. You usually cannot deduct the expenses for uniform cost and upkeep. Generally, you must wear uniforms when on duty and you are allowed to wear them when off duty.

If military regulations prohibit you from wearing certain uniforms off duty, you can deduct the cost and upkeep of the uniforms, but you must reduce your expenses by any allowance or reimbursement you receive.

Expenses for the cost and upkeep of the following articles are deductible.

- Military fatigue uniforms if you cannot wear them off duty.
- Articles not replacing regular clothing, including insignia of rank, corps devices, epaulets, aiguillettes, and swords.
- Reservists' uniforms if you can wear the uniform only while performing duties as a reservist.

Professional dues. You can deduct dues paid to professional societies directly related to your military position.

Example. Lieutenant Margaret Allen, an electrical engineer at Maxwell Air Force Base, can deduct professional dues paid to the American Society of Electrical Engineers.

However, you cannot deduct amounts paid to an officers' club or a noncommissioned officers' club.

Educational expenses. You can deduct educational expenses if they meet certain rules.

You cannot deduct the cost of travel that is itself a form of education. However, if your educational expenses qualify as a deduction, travel for that education, including transportation, meals (subject to the 50% limit), and lodging, can be deducted. Educational services provided in kind, such as base-provided transportation to or from class, are not deductible.

Qualifications. You can deduct educational expenses if the education:

- 1) Is required by your employer or by law or regulations for you to keep your salary, status, or job, or
- 2) Maintains or improves the skills required in your present work.

Even if the above requirements are met, you cannot deduct expenses for education necessary to meet the minimum educational requirements needed to qualify you in your trade or business. Also, you cannot deduct expenses for a program of study that will qualify you for a new trade or business, even if you have no plans to enter that trade or business.

Example 1. Lieutenant Colonel Mason has a degree in financial management and is in charge of base finances at her post of duty. She took an advanced finance course. She already meets the minimum qualifications for her job. By taking the course, she is improving skills in her current position. The course does not qualify her for a new trade or business. She can deduct educational expenses that are more than the educational allowance she received.

Example 2. Major Williams worked in the military base legal office as a legal intern. He was placed in "excess leave status" by his employer to attend law school. He paid all his educational expenses and was not reimbursed. After obtaining his law degree, he passed the state bar exam and worked as a judge advocate. His educational expenses are not deductible because the law degree qualified him for a new trade or business, even though the education maintained and improved his skills in his work.

If you need more information on educational expenses, get Publication 508.

Earned Income Credit

After you have figured your taxable income and tax liability, you can determine if you are entitled to any tax credits. Most tax credits do not have special rules for members of the Armed Forces. However, the earned income credit may be of interest to you.

The earned income credit (EIC) is a special credit for certain persons who work. The credit reduces the amount of tax you owe (if any) and is intended to offset some of the increases in living expenses and social security taxes.



A taxpayer who improperly claims the credit due to reckless or intentional disregard of rules or regulations is ineligible to claim the credit for the next 2 years. A taxpayer who fraudulently claims the credit is ineligible to claim it for the next 10 years. If your 1997 credit was disallowed as a result of deficiency procedures, you must complete and attach Form 8862 to claim the credit this year.

Persons With a Qualifying Child

If you have a qualifying child, you must meet all the following rules to claim the earned income credit.

- 1) You must have earned income during the year.
- 2) Your earned income and modified adjusted gross income (AGI) must each be less than:
 - a) \$26,473 if you have one qualifying child, or
 - b) \$30,095 if you have more than one qualifying child. If you do not have a qualifying child and earn less than \$10,030, see *Persons Without a Qualifying Child*.
- 3) Your filing status can be any filing status **except** married filing a separate return.
- 4) You cannot be a qualifying child of another person. If you file a joint return, neither you nor your spouse can be a qualifying child of another person.
- 5) Your qualifying child cannot be the qualifying child of another person whose modified AGI is more than yours.
- 6) You did not file Form 2555, *Foreign Earned Income* or Form 2555-EZ, *Foreign Earned Income Exclusion* to exclude from your gross income any income earned in foreign countries, or deduct or exclude a foreign housing amount. See Publication 54 for more information.
- 7) You must be married to a U.S. citizen or resident if you are a nonresident alien. In addition, you must choose to be treated as a resident alien for the entire year. See Publication 519 for more information.
- 8) You did not have more than \$2,300 in investment income during the year. For most people, investment income is taxable interest and dividends, tax-exempt interest, and capital gain net income.

- 9) You must include your social security number on your return. If you are married, you must also include your spouse's social security number.

Qualifying child of more than one person. If you and someone else have the same qualifying child, the person with the higher modified AGI is the only one who may be able to take the credit. The person with the lower modified AGI cannot claim the credit. This is true even if the person with the higher modified AGI does not claim the credit or does not meet all the rules to claim the credit.

Modified AGI for most people is the amount on line 33, Form 1040, or line 18, Form 1040A. See Publication 596 if you file Schedule E or you are claiming a loss from the rental of personal property not used in a trade or business.

Qualifying child of another person. If you are a qualifying child of another person, you cannot claim the credit—no matter how many qualifying children you have.

How to report. If you meet all these rules, fill out Schedule EIC and attach it to either Form 1040 or Form 1040A. Also complete the EIC Worksheet in the instructions for Form 1040 or Form 1040A to figure the amount of your credit. If you have a qualifying child, you cannot claim the credit on Form 1040EZ.

Enter "NO" directly to the right of line 59a (Form 1040) or next to line 37a (Form 1040A) if you cannot claim the credit because:

- 1) Your total taxable and nontaxable income was \$26,473 or more if you have one qualifying child (or \$30,095 or more if you have more than one qualifying child),
- 2) You were a qualifying child for another person in 1998,
- 3) Your qualifying child was also the qualifying child of another person whose modified AGI is higher than yours, or
- 4) You, your spouse, or qualifying child does not have a valid social security number.

Social security number. You must provide a correct and valid social security number (SSN) issued by the Social Security Administration for yourself, your spouse, and any qualifying child.

If you need to get an SSN, file Form SS-5 with your local Social Security Administration office. It takes approximately two weeks to receive an SSN. If the filing deadline is approaching and you don't have an SSN, you can:

- 1) Request an automatic extension to August 15 using Form 4868. This extension does not give you extra time to pay any tax owed. You should pay any amount you expect to owe to avoid interest or penalty charges (see the instructions for Form 4868), or
- 2) File the return on time without claiming the credit. After you receive the SSN, file an amended return

(Form 1040X) claiming the credit and attach a filled-in Schedule EIC.



If you do not provide correct and valid SSNs, the IRS may deny the credit and bill you for additional tax.

Married persons. Married persons usually must file a joint return to claim the earned income credit. Even though you are married, you may file as head of household and claim the credit on your return if:

- 1) Your spouse did not live in your home at any time during the last 6 months of the year,
- 2) You paid more than half the cost to keep up your home for the entire year, and
- 3) You and your child lived in the same main home for more than half the year. You also must be entitled to claim an exemption for your child.

You will meet (3), even if you cannot claim your child, if:

- You gave that right to the other parent by filling out Form 8332, *Release of Claim to Exemption for Child of Divorced or Separated Parents*, or similar written statement, or
- There is a pre-1985 agreement (decree of divorce or separate maintenance or written agreement) granting the exemption to your child's other parent.

Qualifying Child

You have a qualifying child if your child meets three tests:

- 1) Relationship,
- 2) Residency, and
- 3) Age.

Relationship test. To meet the relationship test, the child must be your:

- Son, daughter, or adopted child (or a descendant of your son, daughter, or adopted child—for example, your grandchild),
- Stepson or stepdaughter, or
- Eligible foster child.

Married child. Generally, a married child can be your qualifying child only if you can claim an exemption for the child. If you cannot claim an exemption for your married child, he or she can still be your qualifying child if the only reason you cannot claim the exemption is one of the following.

- 1) You gave the right to claim the child's exemption to your child's other parent by filling out Form 8332, or a similar written statement, or
- 2) You gave the right to claim the child's exemption to your child's other parent in a pre-1985 agreement

(such as a separation agreement or divorce decree).

If you need more information about either of these exceptions or when you can claim an exemption for your child, see Publication 501, or Publication 504, *Divorced or Separated Individuals*.

Residency test. To meet the residency test:

- A qualifying child must have lived in your home for more than half the year (for the whole year if your child is an eligible foster child), and
- The home must be in the United States. U.S. military personnel stationed outside the United States on extended active duty are considered to be living in the United States.

Birth or death of a child. The child is considered to have lived with you for all of 1998 if:

- The child was born or died during the year, and
- The child lived with you for the part of the year he or she was alive.

Temporary absences. Count time that you or the qualifying child is away from home on a temporary absence due to a special circumstance as time lived at home. Examples of special circumstances include:

- Illness,
- Attending school,
- Business,
- Vacation, or
- Military service.

You may be eligible for the earned income credit if you are absent temporarily only because of military service. To be eligible for the credit, you must plan to return to your main home where your qualifying child lives at the end of your assignment. Service in a combat zone is a temporary absence.

Age test. The age test is met if your child is:

- 1) Under age 19 at the end of the year,
- 2) A full-time student under age 24 at the end of the year, or
- 3) Permanently and totally disabled at any time during the tax year, regardless of age.

Persons Without a Qualifying Child

If you do not have a qualifying child, you can take the credit if you meet all the following rules.

- 1) You must have earned income during 1998.
- 2) Your earned income and modified adjusted gross income must each be less than \$10,030.
- 3) Your filing status must be any filing status **except** married filing a separate return.

- 4) You cannot be a qualifying child of another person. See *Qualifying child of another person*, earlier.
- 5) You (or your spouse if filing a joint return) must be at least age 25 but under age 65 at the end of your tax year.
- 6) No one else is able to claim an exemption for you as a dependent on his or her return.
- 7) Your main home must be in the United States for more than half the year. U.S. military personnel stationed outside the United States on extended active duty are considered to live in the United States.
- 8) You did not file Form 2555, *Foreign Earned Income*, or Form 2555-EZ, *Foreign Earned Income Exclusion*.
- 9) You must be married to a U.S. citizen or resident if you are a nonresident alien. In addition, you must choose to be treated as a resident alien for the entire year.
- 10) You did not have more than \$2,300 in investment income during the year. For most people, investment income is taxable interest and dividends, tax-exempt interest, and capital gain net income.
- 11) You must include your SSN on your return. If you are married, you must also include your spouse's SSN. In either case, you can use only a valid SSN issued by the Social Security Administration.

How to report. If you meet all these rules, fill out the EIC Worksheet to figure the amount of your credit.

Enter "NO" directly to the right of line 59a (Form 1040), next to line 37a (Form 1040A), or to the right of the word "below" on line 8 (Form 1040EZ) if you cannot claim the credit because:

- 1) Your total taxable and nontaxable earned income was \$10,030 or more,
- 2) You (and your spouse if filing a joint return) were under age 25 or over age 64,
- 3) Your home was not in the United States for more than half the year,
- 4) You were a qualifying child of another person in 1998, or
- 5) You or your spouse did not have a valid SSN.

Earned Income

For purposes of the earned income credit, earned income includes:

- Wages, salaries, and tips,
- Long-term disability benefits you received before minimum retirement age,
- Salary deferrals,
- Housing and subsistence allowances and in-kind equivalents received by military members,
- Combat zone excluded pay (box 13, code Q of your Form W-2),

- Earnings from self-employment, and
- Anything else of value, even if not taxable, that you received for providing services.

For purposes of the earned income credit, the term “housing and subsistence allowances” means the Basic Allowance for Housing (BAH) and the Basic Allowance for Subsistence (BAS) received by military personnel (with respect to grade and status) and the value of meals and lodging furnished in kind to military personnel residing on military bases. To calculate the value of meals and lodging furnished in kind, you may assume that the value is equal to the combined BAH and BAS that the military member would have received had he or she been entitled to the allowance. Earned income that is not taxable, such as combat pay, BAH, BAS, and certain in-kind equivalents, is reported in box 13, Code Q, of Form W-2.

Earned income does **not** include:

- Interest and dividends,
- Social security and railroad retirement payments,
- Welfare benefits,
- Pensions or annuities,
- Veterans' benefits (including VA rehabilitation payments),
- Variable housing allowances,
- Workers' compensation, or
- Unemployment compensation.

Example 1. Corporal John Andrews and his wife Doris will file a joint return for 1998. They have two children—Mark who is age 3 and Connie who was born in May of 1998. Their total earned income is \$23,650 (basic pay \$16,104, BAH \$4,896, BAS \$2,650). John and Doris qualify for the earned income credit.

Example 2. Staff Sergeant Brad Wilson and his wife Judy will file a joint return for 1998. They have two children—Angela who is 6 years old and Eric who is 4 years old. Their total earned income is \$31,054 (basic pay \$22,140, which includes \$7,780 nontaxable pay for service in a combat zone, plus BAH \$6,264 and BAS \$2,650). Even though the Wilsons' modified AGI is \$14,360, they do not qualify for the earned income credit because their total earned income is not less than \$30,095.

Military members should receive a Leave and Earnings Statement at the end of the year that includes some of the pertinent allowance information. You should refer to that statement or your Form W-2 when determining earned income for EIC purposes. You can also contact your legal assistance office or unit tax advisor if you need additional help.

Advance Earned Income Credit

You must meet all the following rules to qualify for the advance earned income credit in 1999. You must:

- 1) Work and expect that your earned income and modified AGI will each be less than a certain

amount. The amount in 1998 was \$26,473. The amount for 1999 will be higher. See Form W-5, *Earned Income Credit Advance Payment Certificate*, for the 1999 amount.

- 2) Have a qualifying child.
- 3) Meet all the rules explained in the instructions for Form W-5.

If you expect to qualify for the earned income credit for 1999, you can choose to get part of the credit in advance by giving a completed 1999 Form W-5 to your appropriate finance office. The credit will be included regularly in your pay.

If you received advance earned income credit payments in 1998, you must file either Form 1040 or Form 1040A for 1998 to report the payments.

IRS Will Figure Your Credit for You

There are certain instructions you must follow before the IRS can figure the credit for you. See Publication 967, *The IRS Will Figure Your Tax*.

Decedents

If a member of the Armed Forces dies, a surviving spouse or **personal representative** handles duties such as filing any tax returns and claims for refund of withheld or estimated tax. A personal representative can be an executor, administrator, or anyone who is in charge of the decedent's assets.

This section discusses the special tax provisions that apply to individuals who:

- 1) Die while serving in a combat zone or from wounds, disease, or injury incurred while serving in a combat zone, or
- 2) Die from wounds or injury incurred in a terroristic or military action outside the United States while a U.S. employee.

For other information concerning decedents, get Publication 559.

Combat Zone Forgiveness

If a member of the U.S. Armed Forces dies while in active service in a combat zone or from wounds, disease, or other injury received in a combat zone, the decedent's income tax liability is forgiven for the tax year in which death occurred and for any earlier tax year ending on or after the first day the member served in a combat zone in active service. Any forgiven tax liability that has already been paid will be refunded, and any unpaid tax liability at the date of death will be forgiven.

In addition, any unpaid taxes for prior years will be forgiven and any prior year taxes paid after the date of death will be refunded.

This provision also applies to a member of the Armed Forces serving outside the combat zone if the service:

- 1) Was in direct support of military operations in the zone, and

- 2) Qualified the member for special military pay for duty subject to hostile fire or imminent danger.

For a description of the combat zone, see *Combat Zone*, earlier.

Missing status. The date of death for a member of the Armed Forces who was in a missing status (missing in action or prisoner of war) is the date his or her name is removed from missing status for military pay purposes. This is true even if death actually occurred earlier.

Terroristic or Military Action Forgiveness

Tax liability is forgiven for an individual who:

- 1) Is a military or civilian U.S. employee at death, and
- 2) Dies from wounds or injury incurred while a U.S. employee in a terroristic or military action outside the United States.

The forgiveness applies to the tax year death occurred and for any earlier tax year beginning with the year before the year in which the wounds or injury occurred. A **terroristic or military action** is any terroristic activity outside the United States primarily directed against the United States or its allies or any military action outside the United States involving the U.S. Armed Forces resulting from violence or aggression against the United States or its allies.

Any multinational force in which the United States participates is considered an ally of the United States.

Example. Army Private John Kane died in 1998 of wounds incurred outside the United States in a terroristic attack in 1997. His income tax liability is forgiven for all tax years from 1996 through 1998. Refunds are allowed for the tax years for which the period for filing a claim for refund has not ended.

Claims for Tax Forgiveness

If either of the tax-forgiveness provisions applies to a prior year's tax that has been paid and the period for filing a refund claim has not ended, the tax will be refunded. If any tax is still due, it will be canceled. The normal period for filing a claim for credit or refund of income tax is 3 years from the time the return was filed or 2 years from the time the tax was paid, whichever is later.

If death occurred in a combat zone or from wounds, disease, or injury incurred in a combat zone, the deadline for filing a claim for credit or refund is extended using the rules discussed later under *Extension of Deadline*, later.

Procedures for claiming forgiveness. If the individual died in a combat zone or as a result of a terroristic or military action outside the United States, use the following procedures for filing a claim for income tax forgiveness.

- 1) File Form 1040 if a tax return has not been filed for the tax year. Form W-2 must accompany the return.
- 2) File Form 1040X if a tax return has been filed. A separate Form 1040X must be filed for each year in question.

These returns and claims must be filed with the Internal Revenue Service Center, P.O. Box 267, Covington, KY 41019, Attn: Stop 28.

All returns and claims must be identified by writing "Desert Storm—KIA" or "Former Yugoslavia—KIA" in bold letters on the top of page 1 of the return or claim. On Forms 1040 and 1040X, the phrase "Desert Storm—KIA" or "Former Yugoslavia—KIA" must be written on the line for "total tax." If the individual was killed in a terroristic action outside the United States, put "KITA" on the front of the return and on the line for "total tax."

An attachment that includes a computation of the decedent's tax liability before any amount is forgiven and the amount that is to be forgiven should accompany any return or claim. For joint returns, see *Joint returns*, later.

Necessary documents. The following documents must accompany all returns and claims for refund:

- 1) Form 1310, *Statement of Person Claiming Refund Due a Deceased Taxpayer*, and
- 2) A certification from the Department of Defense or the Department of State.

For military and civilian employees of the Department of Defense, certification must be made by the Department on Form DOD 1300, *REPORT OF CASUALTY*. For civilian employees of all other agencies, certification must be a letter signed by the Director General of the Foreign Service, Department of State, or his or her delegate. The certification must include the deceased individual's name and social security number, the date of injury, the date of death, and a statement that the individual died in a combat zone or from a terroristic or military action outside the United States. If the individual died as a result of a terroristic or military action, the statement must also include the fact that the individual was a U.S. employee at the date of injury and at the date of death.

If the certification has been received but there is not enough tax information to file a timely claim for refund, file Form 1040X with Form 1310. Include a statement saying that an amended claim will be filed as soon as the necessary tax information is available.

Joint returns. Only the decedent's part of the joint income tax liability is eligible for the refund or tax forgiveness. To determine the decedent's part, the person filing the claim must:

- 1) Figure the income tax for which the decedent would have been liable as if a separate return had been filed,
- 2) Figure the income tax for which the spouse would have been liable as if a separate return had been filed, and

- 3) Multiply the joint tax liability by a fraction. The top number of the fraction is the amount in (1), above. The bottom number of the fraction is the total of (1) and (2).

The amount in (3) is the decedent's tax liability that is eligible for the refund or tax forgiveness. If you are unable to complete this process, you should attach a statement of all income and deductions, indicating the part that belongs to each spouse. The IRS will make the proper allocation.

Residents of community property states. If the member of the Armed Forces was domiciled in a community property state and the spouse reported half the military pay on a separate return, the spouse can get a refund of taxes paid on his or her share of the pay for the years involved. The forgiveness of unpaid tax on the military pay would also apply to the half owed by the spouse for the years involved.

Filing Returns

This section discusses the special problems military personnel encounter when filing federal tax returns. For information on filing returns for those involved in a combat zone, see *Extension of Deadline*, later.

Where To File

Send your federal return to the Internal Revenue Service Center for the place where you live. For example, Sgt. Kane, who is stationed in Maine but whose permanent home address is in California, should send her federal return to the service center for Maine. The instructions for Forms 1040, 1040A, and 1040EZ give the addresses for the service centers. If you are overseas and have an APO or FPO address, file your return with the Internal Revenue Service Center, Philadelphia, PA 19255-0215.

When To File

Most individual tax returns cover a calendar year, January through December. The normal due date for these tax returns is April 15 of the following year. If April 15 falls on a Saturday, Sunday, or legal holiday, the due date is the next business day that is not a Saturday, Sunday, or legal holiday. For 1998 tax returns, the due date is April 15, 1999.

Extensions

You can receive an extension of time to file your return. Different rules apply, depending on whether you live within the United States or outside the United States.

Within the United States. You can receive an automatic 4-month extension to file your return by filing Form 4868. File the application by the normal due date for filing your return.

The extension of time to file is automatic, and you will not receive any notice of approval. However, if you file Form 4868 late, your request for an extension will be denied. The IRS will inform you of the denial.



You cannot use the automatic extension if (1) you choose to have IRS figure the tax or (2) you are under a court order to file your return by the regular due date.

Having an extension to file does not mean you have an extension to pay any tax due. On Form 4868, you must estimate your tax, taking into account any tax withheld or estimated tax paid. You do not have to send in any payment of tax due when you file Form 4868. However, if you pay the tax after the original due date, you will be charged interest from the original due date to the date the tax is paid.

When you file your return, enter any amount you paid with Form 4868 on line 61, Form 1040. On Form 1040A, add the amount to the total on line 39. To the left of line 39, enter "Form 4868" and show the amount paid. On Form 1040EZ, include the amount in the total on line 9.

You will have to pay a late payment penalty unless you pay at least 90% of your tax liability by the original due date of the return. This can be paid through withholding, estimated tax payments, or a payment sent in with Form 4868. For more details, see the Form 4868 instructions.

If you are unable to pay the tax owed by the end of the automatic 4-month extension period, you should attach Form 9465 to your return. The IRS will attempt to arrange an installment payment agreement that reflects your ability to pay the tax owed.

Outside the United States and Puerto Rico. If you are a U.S. citizen or resident, you can qualify for an automatic extension of time until June 15 without filing Form 4868 if either of the following situations applies to you.

- 1) You live outside the United States and Puerto Rico and your main place of business or post of duty is outside the United States and Puerto Rico, or
- 2) You are in military or naval service on an assigned tour of duty outside the United States and Puerto Rico for a period that includes the entire due date of the return.

You will be charged interest on any amount not paid by the normal due date until the date the tax is paid.

If you use this automatic extension, you must attach a statement to the return showing that you met the requirement.

You can request an additional 2-month extension to file by August 16 by filing Form 4868 by June 15. To obtain the additional extension, write "Taxpayer Abroad" across the top of Form 4868.

Joint returns. For married persons filing a joint return, only one spouse needs to meet the requirements to take advantage of the automatic extension to June 15.

Separate returns. For married persons filing separate returns, only the spouse who meets the requirements qualifies for the automatic extension.

Additional extension beyond August 15. You can request an extension beyond the 4-month extension by filing Form 2688 or by writing a letter to the IRS. Except in undue hardship cases, this additional extension will be granted only if Form 4868 has already been filed. Form 2688 or your letter will not be considered if it is filed after the extended due date. If you file Form 2688 and are granted an extension and the IRS discovers that the information you gave was false or misleading, the extension is void. You may then be subject to a penalty for filing late.

Signing Returns

Generally, you must sign your return. However, if you are overseas or incapacitated, you can grant a **power of attorney** to an agent to file and sign your return.

A power of attorney can be granted by filing Form 2848. These forms are available at your nearest legal assistance office. While other power of attorney forms may be used, they must contain the information required by Form 2848.

In Part I of the form, you must indicate that you are granting the power to sign the return, the form number, and the tax year for which the form is being filed. Attach the power of attorney to the tax return. If you are acting on behalf of someone serving in a combat zone, see *Filing Returns for Combat Zone Participants*, later.

Joint returns. Generally, joint returns must be signed by both spouses. However, when a spouse is overseas, in a missing status, incapacitated, or deceased, a power of attorney may be needed to file a joint return.

Spouse overseas. If one spouse is overseas on military duty, there are two options when filing a joint return. One spouse can prepare the return, sign it, and send it to the other spouse to sign early enough so that it can be filed by the due date. Or, the spouse who expects to be overseas on the due date of the return can file Form 2848 specifically designating that the spouse who remains in the United States can sign the return for the absent spouse.

Spouse in missing status. The spouse of a member of the Armed Forces who is in a missing status in a combat zone can still file a joint return. A joint return can be filed for any year beginning not more than 2 years after the end of the combat zone activities. A joint return filed under these conditions is valid even if it is later determined that the missing spouse died before the year covered by the return.

Spouse incapacitated. If your spouse cannot sign because of disease or injury and he or she tells you to sign, you can sign your spouse's name in the proper space on the return, followed by the words "by [your name], Husband (or Wife)." Be sure to sign your name in the space provided for your signature. Attach a dated statement, signed by you, to your return. The statement should include the form number of the return you are filing, the tax year, the reason your spouse could not sign, and that your spouse has agreed to your signing for him or her.

Spouse died during the year. If one spouse died during the year and the surviving spouse did not remarry before the end of the year, the surviving spouse

can file a joint return for that year, writing in the signature area, "Filing as surviving spouse." If an executor or administrator has been appointed, both he or she and the surviving spouse must sign the return filed for the decedent.

Refunds

In general, military personnel follow the same rules as other taxpayers concerning tax refunds. See your tax form instructions for information on what to do if you do not receive an expected refund and how to call to check on your refund status.



Use Form 8822 to notify the IRS if you move or change your address after filing your return. See How To Get More Information near the end of this publication for information about getting this form.

Extension of Deadline

Note. Certain periods of time are disregarded when determining whether certain tax matters have been taken care of on time. For ease of understanding, this publication refers to these provisions as "extensions of deadlines." These deadline extensions should not be confused with other parts of the tax law that refer to extensions of time for performing acts.

Extension. The deadline for filing tax returns, paying taxes, filing claims for refund, and taking other actions with the IRS is extended if you serve in the Armed Forces in a combat zone. The deadline for IRS to take certain actions, such as collection and examination actions, is also extended. See *Combat Zone*, earlier, for the beginning dates for the Persian Gulf area combat zone and the qualified hazardous duty area in the former Yugoslavia.

Your deadline for taking actions with the IRS is extended for 180 days after the later of:

- 1) The last day you are in a combat zone (or the last day the area qualifies as a combat zone), or
- 2) The last day of any continuous qualified hospitalization (defined later) for injury from service in the combat zone.

In addition to the 180 days, your deadline is also extended by the number of days that were left for you to take the action with the IRS when you entered a combat zone. If you entered the combat zone before the period of time to take the action began, your deadline is extended by the entire period of time you have to take the action. For example, you had 3½ months (January 1 – April 15, 1998) to file your 1997 tax return. Any days of this 3½ month period that were left when you entered the combat zone (or the entire 3½ months if you entered the combat zone by January 1) are added to the 180 days when determining the last day allowed for filing your 1997 tax return.

Example 1. Captain Margaret Jones entered Saudi Arabia on December 1, 1996. She remained there through March 31, 1998, when she departed for the United States. She was not injured and did not return to the combat zone. The deadlines for filing Captain Jones' 1996, 1997, and 1998 returns are figured as follows.

The 1996 tax return deadline is January 10, 1999. This deadline is 285 days (180 plus 105) after Captain Jones' last day in the combat zone (March 31, 1998). The 105 additional days are the number of days in the 3½ month filing period that were left when she entered the combat zone (January 1 – April 15). Because January 10, 1999, falls on a Sunday, she has until January 11, 1999, to file her return.

The 1997 tax return deadline is also January 10, 1999. The deadline is 285 days (180 plus 105) after Capt. Jones' last day in the combat zone (March 31, 1998). She has until January 11, 1999, to file her return because January 10, 1999, falls on a Sunday.

The 1998 tax return deadline is not extended because the 180-day extension period after March 31, 1998, ends on September 27, 1998, which is before the start of the filing period for her 1998 return.

Example 2. Petty Officer Leonard Brown's ship entered the Persian Gulf on January 5, 1997. On February 15, 1997, Leonard was injured and was flown to a U.S. hospital. He remained in the hospital through April 21, 1998. The deadlines for filing Petty Officer Brown's 1996, 1997, and 1998 returns are figured as follows.

The 1996 tax return deadline is January 27, 1999. Petty Officer Brown has 281 days (180 plus 101) after his last day in the hospital (April 21, 1998) to file his 1996 return. The 101 additional days are the number of days in the 3½ month filing period that were left when he entered the combat zone (Jan. 5 – Apr. 15).

The 1997 tax return deadline is also January 27, 1999. Petty Officer Brown has 281 days (180 plus 101) after April 21, 1998, to file his 1997 tax return.

The 1998 tax return deadline is April 15, 1999. The 180-day period after April 21, 1998, ends October 18, 1998, which is before the start of the filing period for his 1998 return. The due date to file his 1998 tax return is not extended.

Example 3. You generally have 3 years from April 15, 1995, to file a claim for refund against your timely filed 1994 tax return. This means that your claim normally must be filed by April 15, 1998. However, if you served in a combat zone from November 1, 1997, through March 23, 1998, and were not injured, your deadline for filing that claim is extended 346 days (180 plus 166) after you leave the combat zone. This extends your deadline to March 4, 1999. The 166 additional days are the number of days in the 3-year period for filing the refund claim that were left when you entered the combat zone on November 1 (November 1, 1997 – April 15, 1998).

Missing status. Time in a missing status (missing in action or prisoner of war) counts as time in a combat zone.

Support personnel. The deadline extension provision also applies if you are serving in a combat zone in support of the Armed Forces. This includes Red Cross personnel, accredited correspondents, and civilian personnel acting under the direction of the Armed Forces in support of those forces.

Qualified hospitalization. The hospitalization must be the result of an injury received while serving in a combat zone. Qualified hospitalization means:

- 1) Any hospitalization outside the United States, and
- 2) Up to 5 years of hospitalization in the United States.

Actions extended. The actions to which the deadline extension provision applies include:

- Filing any return of income, estate, or gift tax (except employment and withholding taxes),
- Paying any income, estate, or gift tax (except employment and withholding taxes),
- Filing a petition with the Tax Court for redetermination of a deficiency, or for review of a Tax Court decision,
- Filing a claim for credit or refund of any tax,
- Bringing suit for any claim for credit or refund,
- Purchasing a replacement home to postpone paying tax on the gain on the sale (before May 7, 1997) of your old home,
- Making a qualified retirement contribution to an IRA,
- Allowing a credit or refund of any tax by the IRS,
- Assessment of any tax by the IRS,
- Giving or making any notice or demand by the IRS for the payment of any tax, or for any liability for any tax,
- Collection by the IRS of any tax due, and
- Bringing suit by the United States for any tax due.

If the IRS takes any actions covered by these provisions or sends you a notice of examination before learning that you are entitled to an extension of the deadline, contact your legal assistance office. No penalties or interest will be imposed for failure to file a return or pay taxes during the extension period.



Even though the deadline is extended, you may want to file a return earlier to receive any refund due. See Filing Returns, earlier.

Spouses. Spouses of individuals who served in a combat zone are entitled to the same deadline extension with two exceptions.

- 1) The extension does not apply to a spouse for any tax year beginning more than 2 years after the date the area ceases to be a combat zone.

- 2) The extension does not apply to a spouse for any period the qualifying individual is hospitalized in the United States for injuries incurred in a combat zone.

Not in a combat zone. If you are a reservist called to active duty or a regular military member but are not in a combat zone, you may still qualify to defer the payment of back taxes. To qualify, you must be serving your initial period of service, and you must show that your ability to pay the back taxes has been materially impaired.

Initial period of service. The initial period of service is defined as the period of active duty following recall to active duty from an inactive reserve or National Guard unit. For regular military personnel, it is the period following induction or first enlistment in the Armed Forces or the first period of reenlistment for a person who has been out of the service for a year or more. For an officer, the initial period of service is limited to two years of active service after one of the above occurrences.

Material impairment. To indicate material impairment, you must show that your income dropped as a result of going into military service.

Request for deferment. If you have a current payment agreement, you must make a written request for deferment to the IRS office where you have the agreement.

If you have received a notice requesting payment, you must make a written request for deferment to the IRS office that issued the notice.

If you do not have a current payment agreement, you must wait until you receive a notice asking for payment before you request a deferral.

Your request must include your name, social security number, monthly income and source of income before military service, current monthly income, military rank, date you entered military service, and date you are eligible for discharge. If possible, enclosing a copy of your orders would be helpful.

The IRS will review your request and advise you in writing of its decision. Should you need further assistance, you can call the IRS at 1-800-829-1040 to discuss your situation.

If your request for deferment is granted by the IRS, you will be able to defer payment of back taxes until 6 months after the end of your initial period of service.

Maximum rate of interest. Section 526 of the Soldiers' and Sailors' Relief Act limits the maximum interest rate you can be charged to 6% per year for obligations or liabilities incurred before your entry into active service. The reduced rate applies only if your service materially affects your ability to pay. This rate applies only to that interest charged during the period of your active duty.

To substantiate your claim for this reduced interest rate, you must furnish the IRS a copy of your orders or reporting instructions that detail the call to active duty.

Filing Returns for Combat Zone Participants

You can choose to file your return before the end of your extension period. File your return in accordance with instructions provided by the Armed Forces.

If you are acting on behalf of someone serving in a combat zone and you do not have a power of attorney from that person specifying that you can handle federal tax matters, the IRS will accept a general power of attorney or other statement signed by that person that authorizes you to act on his or her behalf. A copy must be attached to the tax return.

If it is not possible for the spouse of someone serving in a combat zone to obtain that person's signature on a joint return, power of attorney form, or other signed authorization to act on his or her behalf, the IRS will accept a written statement explaining that the husband or wife is serving in a combat zone. The statement must be signed by the spouse filing the tax return and attached to the return.

Outside the combat zone. If you do not qualify for the deadline extension provision, your 1998 return is due by the normal due date, April 15, 1999 (June 15, 1999, if you are stationed outside the United States and Puerto Rico on April 15). Interest on any unpaid tax will be charged from April 15.

There are other provisions that extend the time for filing your return. See *Extensions*, earlier.

How To Get More Information

You can order free publications and forms, ask tax questions, and get more information from the IRS in several ways. By selecting the method that is best for you, you will have quick and easy access to tax help.

Free tax services. To find out what services are available, get Publication 910, *Guide to Free Tax Services*. It contains a list of free tax publications and an index of tax topics. It also describes other free tax information services, including tax education and assistance programs and a list of TeleTax topics.



Personal computer. With your personal computer and modem, you can access the IRS on the Internet at www.irs.ustreas.gov. While visiting our Web Site, you can select:

- *Frequently Asked Tax Questions* to find answers to questions you may have.
- *Fill-in Forms* to complete tax forms on-line.
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- *Comments & Help* to e-mail us with comments about the site or with tax questions.
- *Digital Dispatch* and *IRS Local News Net* to receive our electronic newsletters on hot tax issues and news.

You can also reach us with your computer using any of the following.

- Telnet at iris.irs.ustreas.gov
- File Transfer Protocol at ftp.irs.ustreas.gov
- Direct dial (by modem) **703-321-8020**



TaxFax Service. Using the phone attached to your fax machine, you can receive forms, instructions, and tax information by calling **703-368-9694**. Follow the directions from the prompts. When you order forms, enter the catalog number for the form you need. The items you request will be faxed to you.



Phone. Many services are available by phone.

- *Ordering forms, instructions, and publications.* Call **1-800-829-3676** to order current and prior year forms, instructions, and publications.
- *Asking tax questions.* Call the IRS with your tax questions at **1-800-829-1040**.
- *TTY/TDD equipment.* If you have access to TTY/TDD equipment, call **1-800-829-4059**

to ask tax questions or to order forms and publications.

- *TeleTax topics.* Call **1-800-829-4477** to listen to pre-recorded messages covering various tax topics.

Evaluating the quality of our telephone services. To ensure that IRS representatives give accurate, courteous, and professional answers, we evaluate the quality of our telephone services in several ways.

- A second IRS representative sometimes monitors live telephone calls. That person only evaluates the IRS assistant and does not keep a record of any taxpayer's name or tax identification number.
- We sometimes record telephone calls to evaluate IRS assistants objectively. We hold these recordings no longer than one week and use them only to measure the quality of assistance.
- We value our customers' opinions. Throughout this year, we will be surveying our customers for their opinions on our service.



Walk-in. You can pick up certain forms, instructions, and publications at many post offices, libraries, and IRS offices. Some libraries and IRS offices have an extensive collection of products available to print from a CD-ROM or photocopy from reproducible proofs.



Mail. You can send your order for forms, instructions, and publications to the Distribution Center nearest to you and receive a response 7 to 15 workdays after your request is received. Find the address that applies to your part of the country.

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CD-ROM. You can order IRS Publication 1796, *Federal Tax Products on CD-ROM*, and obtain:

- Current tax forms, instructions, and publications.

- Prior-year tax forms, instructions, and publications.
- Popular tax forms which may be filled-in electronically, printed out for submission, and saved for recordkeeping.
- Internal Revenue Bulletins.

The CD-ROM can be purchased from National Technical Information Service (NTIS) for \$25.00 by calling 1-877-233-6767 or for \$18.00 on the Internet at **www.irs.ustreas.gov/cdorders**. The first release is available in mid-December and the final release is available in late January.

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