

**VOLUME 7A, CHAPTER 45: “FEDERAL INSURANCE CONTRIBUTIONS ACT (FICA)”**

**SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by **bold, italic, blue, and underlined font**.

The previous version dated **March 2019** is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
450102	Updated the “Authoritative Guidance” paragraph to comply with current administrative instructions.	Revision
References	Updated supporting statutes and references.	Revision

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## CHAPTER 45

FEDERAL INSURANCE CONTRIBUTIONS ACT (FICA)

## 4501 GENERAL

## 450101. Purpose

This chapter establishes policy pertaining to the FICA requirement for Federal Agencies to withhold Social Security and Medicare taxes from the basic pay of military members covered by the Social Security Act, and to pay matching FICA taxes to the Social Security Administration. The FICA tax component for Old Age, Survivors, and Disability Insurance (OASDI) tax, is also called Social Security tax, and the FICA tax component for Hospital Insurance tax, is also called Medicare tax. The OASDI tax rate applies only to those basic pay payments that do not exceed the annually variable OASDI wage base. There is no cap on wages subject to the withholding of Medicare tax.

## \*450102. Authoritative Guidance

The pay policies and requirements established by the DoD in this chapter are derived primarily from, and prepared in accordance with, the United States Code (U.S.C.), including Titles 26, 36, and 42. The specific statutes, regulations, and other applicable guidance that govern each individual section are listed in a reference section at the end of the chapter.

## 4502 REQUIREMENTS

## 450201. Members Subject to FICA

Any member appointed to, enlisted in, or inducted into any Military Service is subject to FICA tax. This includes members serving in:

- A. The Military Service Academies (excluding foreign nationals);
- B. An aviation cadet status; or
- C. A combat zone.

## 450202. Taxable Wages

The following wages are subject to FICA withholding:

- A. Basic pay (excluding reduction for educational benefits under the Montgomery G.I. Bill);
- B. Inactive duty compensation;

C. Taxable amounts earned but unpaid at the date of death (subject to the maximum earnings tax) if paid to the beneficiary during the same calendar year in which the member's death occurs;

D. Basic pay or compensation earned when absence is the result of injury, sickness, or hospitalization;

E. Taxable amounts received prior to the Government's voidance of the member's enlistment contract; and

F. Waived portions of forfeitures of basic pay payable to dependent(s) of a confined member as prescribed in Chapter 48.

#### 4503 DEDUCTION OF FICA TAX

##### 450301. Amount

See the ["Contribution and Benefit Base"](#) on the Social Security website or the [FICA Percentages, Maximum Taxable Wages, and Maximum Tax](#) table on DFAS.MIL for the withholding percentage rate and the total maximum tax.

##### 450302. Maximum Tax

Discontinue deductions when the member's total active duty basic pay plus inactive duty compensation equals the annual maximum earnings subject to FICA withholding, and when the maximum tax has been deducted.

##### 450303. Effect of Punishment, Absence, and Non-Pay Status

See Table 45-1.

##### 450304. More Than One Employer

Deduct FICA taxes regardless of any amounts previously or currently being deducted by another employer. Each Military Service is considered a separate employer; however, cross-servicing of a member's pay account between the Military Services does not constitute a change of employer. A break in service of any length within the same Military Service does not constitute a change of employer. Consider all FICA tax withheld during the calendar year in determining the total amount withheld. If this amount is in excess of the maximum tax, then the member may claim the excess from the Military Service concerned, and adjustments will be made accordingly.

##### 450305. Retroactive Entitlements and Deductions

Retroactive entitlements and deductions will adjust the pay for the year in which they are made and will be reflected in the tax reporting for the quarter in which they are paid. All retroactive payments are subject to FICA withholding at the rates in effect at the time of payment. If the

member has been discharged, separated, or retired, then issue an Internal Revenue Service (IRS) Form W-2, Wage and Tax Statement.

450306. Indebtedness

FICA taxes previously withheld may not be used to offset any indebtedness.

Table 45-1. Effect of Punishment, Absence, and Non-Pay Status

<b>R U L E</b>	<b>A</b>	<b>B</b>
	<b>When a member</b>	<b>then</b>
<b>1</b>	is fined by court-martial and the fine is deducted from pay	the amount of the fine is subject to FICA tax.
<b>2</b>	is required to forfeit pay as the result of court-martial or nonjudicial punishment	the forfeiture is a loss of entitlement to the basic pay involved, and the lost amount is not subject to FICA tax. (Note)
<b>3</b>	has pay detained under court-martial or nonjudicial punishment	the amount detained is not subject to FICA tax until it is actually paid to the member.
<b>4</b>	is absent without leave	the amount of basic pay deducted for the period is not subject to FICA tax.
<b>5</b>	is confined by civil authorities under conditions that require loss of pay	

**NOTE:** The waived portion of a forfeiture is taxable income to the confined member and is subject to FICA under subparagraph 450202.F and Chapter 48.

**\*REFERENCES****CHAPTER 45 - FEDERAL INSURANCE CONTRIBUTIONS ACT (FICA)**

## 4501 – GENERAL

42 U.S.C. § 410(1)

## 4502 – REQUIREMENTS

450201	42 U.S.C. § 410(1) 26 U.S.C. § 3121(m)
450202	42 U.S.C. § 409(d)

## 4503 – DEDUCTION OF FICA TAX

450301	26 U.S.C. §§ 3101; 3102 42 U.S.C. § 430 <a href="#">IRS, Publication 15 (Circular E)</a>
450304	26 U.S.C. § 3101
450305	26 U.S.C. § 3102 26 U.S.C. § 6205

## Table 45-1

Rule 2	36 Comptroller General 79
Rule 3	26 U.S.C. § 451