

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

SUMMARY OF MAJOR CHANGES

Changes are identified in this table and also 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 2021](#) is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
All	Updated formatting to comply with current administrative instructions.	Revision
3.1	Updated the “FICA Percentage Rates” table on DFAS.mil to include the 2022 rates in accordance with the Internal Revenue Service, Publication 15 (Circular E), dated December 16, 2021.	Revision
References	Verified supporting statutes and references.	Current

Table of Contents

VOLUME 7A, CHAPTER 45: “FEDERAL INSURANCE CONTRIBUTIONS ACT (FICA)” 1

1.0 GENERAL..... 3

 1.1 Purpose..... 3

 1.2 Authoritative Guidance..... 3

2.0 REQUIREMENTS 3

 2.1 Members Subject to FICA 3

 2.2 Taxable Wages..... 3

3.0 DEDUCTION OF FICA TAX 4

 *3.1 Amount 4

 3.2 Maximum Tax..... 4

 3.3 Effect of Punishment, Absence, and Non-Pay Status 4

 3.4 More Than One Employer 4

 3.5 Retroactive Entitlements and Deductions..... 5

 3.6 Indebtedness..... 5

Table 45-1. Effect of Punishment, Absence, and Non-Pay Status 6

REFERENCES 7

CHAPTER 45

FEDERAL INSURANCE CONTRIBUTIONS ACT (FICA)

1.0 GENERAL

1.1 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.

1.2 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.

2.0 REQUIREMENTS

2.1 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:

2.1.1. The Military Service Academies (excluding foreign nationals);

2.1.2. An aviation cadet status; or

2.1.3. A combat zone.

2.2 Taxable Wages

The following wages are subject to FICA withholding:

2.2.1. Basic pay (excluding reduction for educational benefits under the Montgomery G.I. Bill);

2.2.2. Inactive duty compensation;

2.2.3. 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;

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

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

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

3.0 DEDUCTION OF FICA TAX

*3.1 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.

3.2 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.

3.3 Effect of Punishment, Absence, and Non-Pay Status

See Table 45-1.

3.4 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.

3.5 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.

3.6 Indebtedness

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

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

R U L E	When a member	then
1	is fined by court-martial and the fine is deducted from pay	the amount of the fine is subject to FICA tax.
2	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. (See note)
3	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.
4	is absent without leave	the amount of basic pay deducted for the period is not subject to FICA tax.
5	is confined by civil authorities under conditions that require loss of pay	the amount of basic pay deducted for the period is not subject to FICA tax.

NOTE: The waived portion of a forfeiture is taxable income to the confined member and is subject to FICA under subparagraph 2.2.6 and Chapter 48.

REFERENCES

CHAPTER 45 - FEDERAL INSURANCE CONTRIBUTIONS ACT (FICA)

1.0 – GENERAL

42 U.S.C. § 410(1)

2.0 – REQUIREMENTS

2.1 42 U.S.C. § 410(1)
26 U.S.C. § 3121(m)

2.2 42 U.S.C. § 409(d)

3.0 – DEDUCTION OF FICA TAX

3.1 26 U.S.C. §§ 3101; 3102
42 U.S.C. § 430
IRS, Publication 15 (Circular E)

3.4 26 U.S.C. § 3101

3.5 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