



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
1000 NAVY PENTAGON
WASHINGTON DC 20350-1000

SECNAVINST 5840.8A
OJAG (Code 16)
9 April 2009

SECNAV INSTRUCTION 5840.8A

From: Secretary of the Navy

Subj: TAX LAW MATTERS AFFECTING DEPARTMENT OF THE NAVY
MILITARY PERSONNEL

Ref: (a) DoD Directive 5124.03 of 8 Jan 05
(b) SECNAV M-5210.1

1. Purpose. To implement reference (a) within the Department of the Navy, provide for coordination of issues concerning personal and employment tax liabilities within the Department of the Navy, and delegate authority for appointment of Navy and Marine Corps members to the Armed Forces Tax Council (AFTC) established by reference (a).

2. Cancellation. SECNAVINST 5840.8.

3. Coordination of Taxation Issues. The Judge Advocate General (JAG) shall coordinate, within the Department of the Navy, all issues involving the liability of members of the Armed Forces, and the obligations of the Department of the Navy as an employer, for Federal, State, local, and foreign taxes relating to members of the Armed Forces. In cases involving such issues, forward all requests for opinions or actions directed to agencies outside the Department of the Navy, and responses to requests for information or action from them, via the JAG Legal Assistance Division (Code 16). In exercising these responsibilities, the JAG shall consult with the Staff Judge Advocate to the Commandant of the Marine Corps (SJA to the CMC) on any matter with potential to affect Marine Corps personnel. Should a tax matter fall under the cognizance of the Department of the Navy General Counsel (DON GC), the JAG shall refer that matter to the DON GC. Pursuant to reference (a), matters requiring coordination of the AFTC will be referred to the Council by the JAG. Requests and responses of individuals related to income tax returns prepared by Navy or Marine Corps legal assistance attorneys as part of the Internal Revenue Service Volunteer Income Tax Assistance program need not be so routed, although information copies may be forwarded with the client's consent.

4. Armed Forces Tax Council Members. The JAG shall appoint one member to the AFTC for the Navy. The SJA to the CMC shall appoint one member to the AFTC for the Marine Corps.

5. Responsibilities of Armed Forces Tax Council Members. The Navy and Marine Corps AFTC members shall assist the JAG and the SJA to the CMC in the coordination and resolution of tax issues, to include interpretation of tax laws, regulations, or legislative proposals, and propose appropriate legislative initiatives. The members shall, under the direction of the JAG, and after consultation with the SJA to the CMC for matters with the potential to affect Marine Corps personnel, represent their respective Services in the activities of the Council, including participation in committees and advisory groups as directed by the Council chair.

6. The JAG members shall ensure appropriate coordination of items before the Council with the DON GC and other interested offices and activities within the Department of the Navy.

7. Records Management. Records created as a result of this instruction, regardless of media and format, shall be managed in accordance with reference (b).


BJ Penn
Acting

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