



21ST TSC LEGAL INFORMER



WINTER 2023-2024

Tax Year 2023 Income Tax Returns

By Scott McDonald, Chief of Client Services

Tax filing season is just around the corner, and there is no time like the present for servicemembers, retirees, and civilian employees, to get their financial affairs in order and begin planning. While the Army no longer provides tax preparation assistance, the following friendly reminders may help reduce or eliminate unneeded stress at this time of year.

Before Filing. Before filing, be sure to gather all your relevant tax documents. Do you have your W2 for all jobs you and your spouse worked during this tax year? Did you receive interest on any bank accounts? Did you pay on a student loan, home loan interest, or property taxes? Did you make any large donations to charitable organizations? Did you make contributions to any retirement accounts? Income is reported to the IRS from a wide variety of sources. Ensuring you have all of your relevant tax documents *before* you file will help prevent unnecessary penalties, or the hassle of later filing amended returns.

Income Exclusions. Some earned income may be excluded from your federal income. For example, servicemembers, as well as some civilian employees or contractors, who served in a combat zone during this tax year will be able to exclude some or all of their combat income from taxation. In some situations, this may also put the Earned Income Tax Credit (EITC) within reach of the filer, and result in a larger refund. Disabled veterans have their disabled pay excluded from their annual income. An additional refund may be available to disabled veterans who received a lump sum disability severance payment, or an increase in their disability percentage rating during the filing year. For more information, check out IRS Publication 525.

Unemployment Benefits. People often do not realize that unemployment benefits must be reported as income. If the hectic pace of military life and PCS cycles resulted in a spouse or partner drawing unemployment benefits, be sure to keep track and include those amounts in your federal income.

Credits, Deductions, and Exclusions. Not only may your student loan interest be deductible, but you may also be qualified for a tax credit, under the Lifetime Learning Credit, for certain qualified tuition and related expenses you paid. (Continued on next page.)



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The 21st TSC Legal Informer is the newsletter of the 21st Theater Sustainment Command (TSC) Office of the Staff Judge Advocate.

Our mission is to provide outstanding legal support to Soldiers, Civilian Employees and Family Members assigned to or supported by the 21st TSC.

Our headquarters is located in Kaiserslautern, Germany. We have branch offices in Kaiserslautern and Baumholder, Germany, Mons, Belgium, Brunssum, the Netherlands and Camp Bondsteel, Kosovo.

Copies of this and previous newsletters may be found at: https://armyetaas.sharepoint-mil.us/sites/21TSC_SJA.

2023 Income Tax Returns (continued)

If you adopted a child, in some situations you may also be allowed to claim a credit for those expenses. However, as of 2019, spousal maintenance (alimony) payments are not deductible. Additionally, the spouse receiving the support does not have to report it as income. Does your spouse or partner earn foreign income for personal services they rendered while you are stationed OCONUS? If you meet certain requirements, that income may be excluded from your federal income. You will want to talk to a tax professional if you find yourself in that situation.

Filing Services. In addition to paid tax preparation filing services, a number of free filing services can be located on IRS.gov. These services include IRS Free File and MiTax, offered through Military OneSource. MiTax also provides live support 24/7 to both CONUS and OCONUS locations. Depending on your income level, commercial tax preparation services, such as Turbo Tax and H&R Block, may also be available for no or low cost. While most active duty taxpayers outside the U.S. will file uncomplicated state and federal tax returns, taxpayers with non-U.S. income can take advantage of exclusions, credits, or treaty based positions to reduce their tax burden or double-taxation effects. IRS tax returns for Tax Year 2022 are due April 18, 2023. Overseas taxpayers can file as late as June 15, 2023 without penalty, but must pay taxes due by April 18 to avoid interest and penalty.



Winter Tires

By Johanna Dunzweiler, German Attorney, Baumholder Law Center

In Germany, a federal law requires all drivers to have winter tires when driving in winter conditions. However, next year there will be a major change in what qualifies as a “winter tire.” Until 30 September 2024, all-weather tires with an “M+S” marking (mud and snow) made before 2018 will qualify as winter tires. However, tires made in 2018 or later must have a three-peak snowflake symbol to qualify as winter tires. This additional requirement was added because tires without this symbol do not provide the best traction during winter conditions. After 30 September 2024 ALL tires (including all-weather tires) will need a three-peak snowflake marking to qualify as winter tires. It will be prohibited to drive “old” all-weather tires that only have the M+S” marking in winter conditions. If you know that your tour in Germany will not end by next September, you may want to consider buying all-weather tires with a three-peak snowflake marking now. This also applies if you are buying a new car.



The German Road Traffic Ordinance (Strassenverkehrsordnung “StVO”) requires a minimum tire depth of 1,6 mm (1/16 inches) for winter tires. The German automobile club (ADAC) recommends a tire tread depth of 4.0 mm (5/32 inches). There is no specific date by which you need to have your winter tires. The German recommendation is from “O bis O” - October until Easter (“Ostern”). You will need them in winter conditions. If the police catch you driving in winter conditions without winter tires or with a low tire depth, you will have to pay a fine between 60 to 120 Euro. The law applies to all drivers: if you rent or borrow a vehicle, make sure it has proper winter tires. It also applies to motorbikes, trucks and buses.

If you travel outside Germany, make sure you comply with the rules of other countries. Most have rules that are even stricter than those in Germany.

Be aware that German law also forbids idling a car to warm it up and defrost the windows. If the Polizei catch you, you will have to pay a fine.

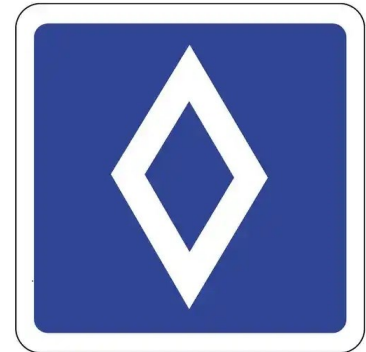
New French Traffic Rules and Car Sharing Lanes

By Joerg Modellmog, Senior German Attorney

One of the advantages of living in the Kaiserslautern Military Community is that it's not too far away from the French border. You can go shopping in Strasbourg, have dinner in Metz or even drive all the way to Paris for the weekend. Yet, such pleasures could come with an unexpected price tag unless you are aware of two recent changes in the French traffic rules.

New French Traffic Sign – Car Sharing Lane

If you have driven into France recently and made a trip to beautiful Strasbourg, you may have already been puzzled by a new highway sign. It's a sign with a white diamond on a blue background. It is used to indicate a special lane, reserved for public transport vehicles and cabs. It also serves as a car-sharing lane reserved for vehicles carrying at least one passenger (in addition to the driver). A child will count as a passenger.



Low-emission vehicles with a French "Crit'Air 0" emission decal are also allowed to drive in these lanes, even if there is no passenger on board. The French Air Quality Certificate ("Certificat Qualité de l'Air" or "CRIT Air") can be applied for at <https://www.certificat-air.gouv.fr/en>. Yet, an additional sign with a crossed-out electric car suspends that rule and means that an existing "Crit'Air 0" decal alone is not sufficient to use this lane. In this case there needs to be at least two persons in the car.

There may also be other additional signs, limiting the times when the car-sharing lane rules apply. Therefore, it will be important to stay vigilant and pay attention to the traffic signs. Violators face a fine of up to 135 euros, which can be enforced when you return to Germany.

New French Road Toll Collection Rules – Free-Flow Maut ("Péage [en] Flux Libre")

In the near future, the French will change the way they collect tolls on French limited access highways. Currently, there are toll booths, offering a variety of options (e.g., cash, credit card or telepass/ Télépéage). Even if you use the telepass you will have to slow down, in order to wait for the barrier to go up once the camera has automatically detected your telepass device.

The new concept is to gradually abolish all toll booths and barriers to allow for a free flow of traffic (in French: "Péage en Flux Libre"). While this has already happened in some more remote parts of France, the border regions near Germany will be affected in the next construction phase.

The French will build overhead structures with cameras that will take pictures and scan vehicles. The driver/owner is responsible to have either a telepass device on board or to pay the toll at a nearby toll station (on a parking lot or rest area) or online (<https://paiement.sanef.com/#/>). Violators are subject to a stiff fine which will be enforceable in Germany.

If you are looking for information on how to obtain a telepass, the two big competitors are Bip & Go (<https://www.bipandgo.com/en>) and Maut1 (<https://www.maut1.de/en>).



Report of Foreign Bank Accounts

The deadline for filing a Report of Foreign Bank and Financial Accounts (FBAR) with the Department of Treasury is April 18, 2024. FBAR filing is required for U.S. persons who had over \$10,000 in non-U.S. bank accounts (combined and converted to dollars) on any day during 2023.



The FBAR deadline coincides with the filing deadline for federal income taxes. However, the FBAR is NOT filed with your taxes and is NOT sent to the Internal Revenue Service.

The FBAR is filed with a separate agency within the Department of Treasury, the Financial Crimes Enforcement Network (FinCEN). Filing is completed online using FinCEN Form 114. More information is available at the IRS web site: <https://www.irs.gov/businesses/small-businesses-self-employed/report-of-foreign-bank-and-financial-accounts-fbar>.

On-post credit unions and the Community Bank are not considered foreign banks for FBAR purposes. Host nation bank accounts, such as accounts at a Volksbank or Sparkasse, are considered foreign accounts and must be reported on an FBAR if the threshold mentioned above is met. Whether the account produced taxable income has no effect on whether the account must be reported for FBAR purposes.

There are civil and criminal penalties for failing to file a required FBAR. Non-filers have options to become FBAR compliant, and can contact Army Legal Assistance for more information about FBAR filing requirements.



21st TSC Legal Offices

Kaiserslautern

Kleber Law Center

Kleber Kaserne, Bldg. 3210

Legal Assistance: DSN 483-8848/6782

Claims: DSN 483-8968

International Law: DSN 483-7690/8859

Trial Defense Service: DSN 483-8397

(Civilian: +49-631-411-XXXX)

Main OSJA

Panzer Kaserne, Bldg. 3004

Administrative Law: DSN 523-0470

Criminal Law: DSN 523-0488

Special Victim Team: 523-0524

(Civilian: +49-0611-143-523-XXXX)

Baumholder Law Center

Smith Barracks, Bldg. 8680

Legal Assistance: DSN 531-2445

(Civilian: +49-611-143-531-XXXX)

Northern Law Center

SHAPE (Mons, Belgium), Bldg. 318

Legal Assistance: DSN 423-4910 or 4868

(Civilian: +32-65-44-4910 or 4868)

Netherlands Law Center

USAG Benelux-Brunssum, Bldg 8

Legal Assistance: DSN 597-4182

(Civilian: +31-45-534-0182)

Kosovo Law Center

Camp Bondsteel, Bldg 1330C

Legal Assistance: DSN 781-4575

(Civilian: +383-49-774-628)



Retirement of OSJA Paralegals

On 19 July 2023 two of our most valued employees, Marianne Ehligler (on left) and Marion Themann (on right) were honored during their retirement ceremony. Ms. Ehligler served the Army for 45 years and ended her career as the post-trial paralegal for the 21st TSC. Ms. Themann served the Army for 47 years and ended her career as the senior administrative paralegal for the 21st TSC. A bag-piper, Robert Keith Gunther, played during the event.



KAISERSLAUTERN LEGAL ASSISTANCE OFFICE

Directions to Kleber Kaserne: From Vogelweh, Ramstein, or Landstuhl take the Autobahn A6 in the direction of Mannheim. On your right you will see a large store called Möbel Martin. Make sure you are in the right lane as you take the Kaiserslautern Ost Ausfahrt (exit). Turn right as you leave the exit ramp and drive downhill until you reach a stop light. Proceed straight ahead at the intersection and follow the priority road as it curves to the right behind the Pfalz Center Mall. Enter Kleber Kaserne by the east gate. Turn right after passing the clinic. Drive north until you reach an intersection with 4 stop signs. Bldg. 3210 sits to the left of that intersection. Parking on Kleber Kaserne is difficult—allow a few extra minutes to circulate until you find an open spot. Enter Bldg. 3210 from the door on the east end of the building.

The office can also be found on Google maps using the search term “Kaiserslautern Legal Services Center.”

