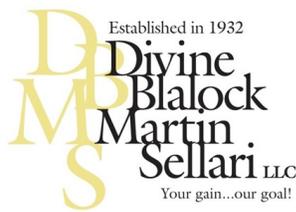


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MARTY A. TAYLOR, CNE, MCSE, MCPA, A+



Certified Public Accountants and Consultants

580 Village Boulevard, Suite 110
West Palm Beach, FL 33409

Phone: (561) 686-1110 Fax: (561) 686-1330

Toll Free: 1-888-686-1115

info@dbmscpa.com

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Tax & Business Alert

JANUARY 2015

TAXABILITY OF REWARDS PROGRAMS

For anyone who spends a lot of time traveling by air for business purposes, one of the nice things that typically occurs because of all of that travel is frequent flyer miles. Even better, about 14 years ago the IRS addressed the controversial question of what happens tax-wise if someone earns those miles (from air travel, rental cars, hotels, etc.) on trips paid for by their company, but uses them for personal purposes. Happily, the IRS said it wasn't going to assert that someone has taxable income merely because they personally benefited from frequent flyer miles or other in-kind promotional benefits resulting from their business or official travel.

That all sounds good and seemed like the end of the matter—until a recent Tax Court decision said a taxpayer, who cashed in points to purchase a plane ticket, was taxed on the value of the ticket. What happened?

REWARDS THAT WEREN'T SO FREE

In the recent court decision, the taxpayer opened a bank account with a large financial institution and was awarded enough points because of this to earn an airline ticket. He cashed in the points, the bank acquired the ticket for him (apparently spending \$668 in the process), and at the end of the year, sent him a Form 1099-MISC reporting the \$668 as income to him. When he ignored the 1099, failed to report the income, and had a couple of other problems with his return, he and the IRS ended up in Tax Court arguing over whether the ticket should be taxable to him.

The IRS's position was that, of course, it's taxable. After all, he received a Form 1099 reporting it as income. The taxpayer's position was basically that he didn't remember receiving the points or the ticket—thus, nothing should be taxed to him.

The Tax Court took a more methodical approach to its conclusion, noting that gross (taxable) income includes all income from whatever source, unless otherwise excluded. It also acknowledged (without challenging) the IRS position from 2002 regarding points or miles earned from business travel and used personally. However, its view was that the current taxpayer's situation was different.



Instead of the taxpayer receiving miles or points due to purchases that he had made (which would effectively make what he received nontaxable purchase price adjustments), he received an award for making a deposit with a bank or leaving funds with the bank for some period of time. This, to the Court, looked similar to interest and, thus, it agreed with the IRS that the \$668 was taxable income.

CONCLUSION

What's the takeaway value of this case? A couple of key points: First, although probably no one was looking for it, it's nice to have the Tax Court's support of the IRS position on business miles used for personal purposes. Secondly, purchase rebates and awards are different. The former should be nontaxable (whether from credit card companies, airlines, hotels, rental car companies, or somewhere else), while the latter, even if you don't receive a Form 1099, are generally going to be taxable. ■

RETIREMENT CONTRIBUTION LIMITATIONS FOR 2015

The IRS has announced cost-of-living adjustments affecting the dollar limitations for retirement plan contributions. Several of the limitations are higher for 2015 because the increase in the cost-of-living index met the statutory threshold. However, some limitations did not meet that threshold and remain unchanged from 2015.

The elective deferral (contribution) limit for employees who participate in 401(k), 403(b), and most 457 plans, and the federal government's Thrift Savings Plan increased from \$17,500 in 2014 to \$18,000 in 2015. The catch-up contribution limit for those age 50 and over increased from \$5,500 in 2014 to \$6,000 in 2015.

The contribution limit for both Roth and traditional IRAs remains unchanged. You can contribute up to \$5,500 (\$6,500 if you are age 50 or older by year-end) to your IRA in 2015 if certain conditions are met (i.e., sufficient earned income). For married couples, the combined contribution limits are \$11,000 (\$5,500 each) and \$13,000 (\$6,500 each if both are age 50 by

year-end) when a joint return is filed, provided one or both spouses had at least that much earned income.

Keep in mind that contributions to traditional IRAs may be tax-deductible, subject to specific limitations that increase for 2015. When you establish and contribute to a Roth IRA, contributions are not deductible, but withdrawals are tax-free when specific requirements are satisfied. In addition, there are no mandatory distribution rules at age 70½ with a Roth IRA, and you can continue to make contributions past age 70½ if you meet the earned income requirement.

The 2015 limitation for SIMPLE retirement accounts increased \$500 to \$12,500. The SIMPLE catch-up contribution for those age 50 by year-end also increased by \$500 to \$3,000.

Finally, the 2015 contribution limit for profit-sharing, SEP, and money purchase plans is the lesser of (1) 25% of the employee's compensation—limited to \$265,000, an increase of \$5,000 from 2014; or (2) \$53,000, an increase of \$1,000 from 2014. ■

TAX CALENDAR

January 15

- Individual taxpayers' final 2014 estimated tax payment is due unless Form 1040 is filed by February 2, 2015, and any tax due is paid with the return.

February 2

- Most employers must file Form 941 (Employer's Quarterly Federal Tax Return) to report Medicare, social security, and income taxes withheld in the fourth quarter of 2014. If your tax liability is less than \$2,500, you can pay it in full with a timely filed return. If you deposited the tax for the quarter in full and on time, you have until February 10 to file the return. Employers who have an estimated annual employment tax liability of \$1,000 or less may be eligible to file Form 944 (Employer's Annual Federal Tax Return).
- Give your employees their copies of Form W-2 for 2014. If an employee agreed to receive Form W-2 electronically, have it posted on the website and notify the employee.
- Give annual information statements to recipients of certain payments you made during 2014. You can use the appropriate version of Form 1099 or other information return. Form 1099 can be filed electronically with the consent of the recipient.
- File Form 940 [Employer's Annual Federal Unemployment (FUTA) Tax Return] for 2014. If your undeposited tax is \$500 or less, you can either pay it with your return or deposit it. If it is more than \$500, you must deposit it. However, if you deposited the tax for the year in full and on time, you have until February 10 to file the return.

- File Form 945 (Annual Return of Withheld Federal Income Tax) for 2014 to report income tax withheld on all nonpayroll items, including backup withholding and withholding on pensions, annuities, IRAs, etc. If your tax liability is less than \$2,500, you can pay it in full with a timely filed return. If you deposited the tax for the year in full and on time, you have until February 11 to file the return.
- File Form 943 (Employer's Annual Federal Tax Return for Agricultural Employees) to report social security and Medicare taxes and withheld income tax for 2014. If your tax liability is less than \$2,500, you can pay it in full with a timely filed return. If you deposited the tax for the year in full and on time, you have until February 10 to file the return.

March 2

- The government's copy of Form 1099 series returns (along with the appropriate transmittal form) should be sent in by today. However, if these forms will be filed electronically, the due date is extended to March 31.
- The government's copy of Form W-2 series returns (along with the appropriate transmittal Form W-3) should be sent in by today. However, if these forms will be filed electronically, the due date is extended to March 31.

March 16

- 2014 income tax returns must be filed or extended for calendar-year corporations. If the return is not extended, this is also the last day for calendar-year corporations to make 2014 contributions to pension and profit-sharing plans.

Tax Scams/Consumer Alerts

IRS-Impersonation Telephone Scam

An aggressive and sophisticated phone scam targeting taxpayers, including recent immigrants, has been making the rounds throughout the country. Callers claim to be employees of the IRS, but are not. These con artists can sound convincing when they call. They use fake names and bogus IRS identification badge numbers. They may know a lot about their targets, and they usually alter the caller ID to make it look like the IRS is calling.

Victims are told they owe money to the IRS and it must be paid promptly through a pre-loaded debit card or wire transfer. If the victim refuses to cooperate, they are then threatened with arrest, deportation or suspension of a business or driver's license. In many cases, the caller becomes hostile and insulting.

Or, victims may be told they have a refund due to try to trick them into sharing private information.

If the phone isn't answered, the scammers often leave an "urgent" callback request.

Note that the IRS will never: 1) call to demand immediate payment, nor will the agency call about taxes owed without first having mailed you a bill; 2) demand that you pay taxes without giving you the opportunity to question or appeal the amount they say you owe; 3) require you to use a specific payment method for your taxes, such as a prepaid debit card; 4) ask for credit or debit card numbers over the phone; or 5) threaten to bring in local police or other law-enforcement groups to have you arrested for not paying.

Email Phishing Scam: "Update your IRS e-file"

The IRS has been alerted to a new email phishing scam. The emails appear to be from the IRS and include a link to a bogus web site intended to mirror the official IRS web site. These emails contain the direction "you are to update your IRS e-file immediately." The emails mention USA.gov and IRSgov (without a dot between "IRS" and "gov"), though notably, not IRS.gov (with a dot). Don't get scammed. These emails are not from the IRS.

Additionally, clicking on attachments to or links within an unsolicited email claiming to come from the IRS may download a malicious computer virus onto your computer.

Taxpayers who get these messages should not respond to the email or click on the links. Instead, they should forward the scam emails to the IRS at phishing@irs.gov. For more information, visit the IRS's [Report Phishing](#) web page.

You may also report instances of IRS-related phishing attempts and fraud at 1-800-366-4484.

SOCIAL SECURITY AND MEDICARE AMOUNTS FOR 2015

The annual inflation adjustments have also impacted the various social security amounts and thresholds for 2015.

The social security wage base, for computing the social security tax (OASDI only), increases to \$118,500 in 2015, up from \$117,000 for 2014. There is no taxable earnings limit for Medicare (HI only) contributions. However, there is a 0.9% Medicare surtax that is imposed on wages and self-employment (SE) income in excess of the modified adjusted gross income (MAGI) threshold amounts of \$250,000 for joint filers, \$125,000 for married separate filers, and \$200,000 for all other taxpayers. The MAGI thresholds are not adjusted for inflation. The surtax does not apply to the employer portion of the tax.

For social security beneficiaries under the full retirement age, the annual exempt amount increases to \$15,720 in 2015, up from \$15,480 in 2014. These beneficiaries will be subject to a \$1 reduction in benefits for each \$2 they earn in excess of \$15,720 in 2015. However,



in the year beneficiaries reach their full retirement age (FRA), earnings above a different annual exemption amount (\$41,880 in 2015, up from \$41,400 in 2014) are subject to \$1 reduction in benefits for each \$3 earned over this exempt amount. Social security benefits are not reduced by earned income beginning with the month the beneficiary reaches FRA. But remember, social security benefits received may be subject to federal income tax.

The Social Security Administration estimates the average retired worker will receive \$1,328 monthly in 2015. The average monthly benefit for an aged couple where both are receiving monthly benefits is \$2,176. These amounts reflect a 1.7% cost of living adjustment (COLA).

The maximum 2015 social security benefit for a worker retiring at FRA is \$2,663 per month, up from \$2,642 in 2014. ■