

CALIFORNIA FRANCHISE TAX BOARD

Legal Ruling No. 041

June 25, 1958

PUBLIC HEALTH SERVICE: TAX STATUS OF COMMISSIONED MEMBERS

Syllabus:

Members of the commissioned corps of the Public Health Service in military service status are entitled to the provisions, Regulation 17013-17015(h), regarding the residence of those under military orders and the taxability of military pay.

Taxpayer, a commissioned officer in the Nurse Corps of the United States Public Health Service under a military status service, was assigned to permanent duty in California. Advice is requested whether taxpayer's compensation is subject to Personal Income tax.

The President under the authority of the Public Health Act had proclaimed that the Public Health Service to be a military service during the period involved herein. Consequently, taxpayer, as a member of the commissioned corps of the Public Health Service, was in a military service and under military orders at the date of her assignment to California. Therefore, she comes within the terms of Regulation 17013-17015(h). She did not become a resident and her service pay cannot be considered income from California sources. Thus, it is not subject to Personal Income Tax.