

# Analyzing Fringe Benefits

Joseph Irvine, Ohio State University

Donald E. “Dee” Rich, Jr., KPMG

Julia Shanahan, Columbia University

Starting Point – everything is taxable income!

- “[E]xcept as otherwise provided . . . gross income includes compensation for services, including fees, commissions, fringe benefits, and similar items.”

Treas. Reg. § 1.61-21(a)(1)

**TAXABLE  
INCOME**



# IRS Position?



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## IRS Position

### Taxable income

- What is taxable income?
- Almost all forms of income are taxable

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# Wages

- “[T]he term ‘wages’ means all remuneration for employment, including the cash value of all remuneration (including benefits) paid in any medium other than cash.” Code § 3121(a); see also § 3401(a).
- The employer must generally withhold taxes by the end of the calendar quarter in which the benefit is provided. Treas. Reg. § 31.3501(a)-1T(Q/A-1).

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## Employee “Gifts”



*Comr. v. Duberstein*, 363 U.S. 278 (1960)  
IRC 102(c)(1)

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