



**Department of
Taxation**

P.O. Box 2476
Columbus, OH 43216-2476
1-800-282-1780

IT MIL-SP
Revised 10/12

Exemption from Withholding – Military Spouse Employee

Ohio Employers: In November 2009, Congress passed the Federal Military Spouses Residency Relief Act, Public Law 111-97. This new law says that the income of a civilian spouse of a military servicemember is not subject to state income tax of the state in which the spouse is present if the servicemember and spouse have the same state of residency, and their state of residency is in another state pursuant to the servicemember's military orders.

This new law allows a civilian spouse to be exempt from withholding for Ohio income tax purposes if their state of residency is not Ohio. Your employee should complete the information contained in this document and provide you with acceptable supporting documentation. That documentation **must include** a copy of the employee's spousal military identification card issued to the employee by the Department of Defense. The employer is then required to fax or mail this completed document, and a copy of the employee's spousal military identification card within 30 days of receipt, to the address or fax number listed below.¹

The employer is also required to have a copy of this form on file for each employee who is claiming to be a nonresident of Ohio because s/he is the spouse of a military servicemember and is in Ohio due to the military orders of the spouse.

Declaration of Spouse of Servicemember:

"I hereby declare, under penalty of perjury, that I am a resident of the state of _____ and that I am present in Ohio solely due to the military orders of my spouse. I hereby claim exemption from withholding of Ohio income tax on my earnings in Ohio. I understand that my state of residency may tax the income I earn in Ohio."

Employee's signature

Date (MM/DD/YYYY)

Employee – print full name

Social Security number

Current mailing address, including ZIP

¹Ohio Department of Taxation, IT MIL-SP Section, P.O. Box 2476, Columbus OH, 43216-2476. Fax (614) 466-1588.

Should you have questions, please contact us at 1-800-282-1780.