2 T.C. 484 (1943)

The cost of purchasing and laundering bedside uniforms and accessories is deductible as an ordinary and necessary business expense for a private duty nurse when the uniforms are required for the job, not suitable for general use, and worn only while on duty.

Summary

Helen Krusko Harsaghy, a private duty nurse, deducted the cost of her uniforms and laundering expenses as a business expense. The Commissioner of Internal Revenue disallowed the deduction, arguing it was a personal expense. The Tax Court held that the cost of the uniforms and laundering was deductible because the uniforms were required for her job, were not suitable for general use, and were worn only while on duty, thus constituting an ordinary and necessary business expense under Section 23(a)(1) of the Internal Revenue Code.

Facts

Helen Krusko Harsaghy was a private duty nurse who worked from 8 p.m. to 8 a.m. attending a single patient. She deducted $71.84 for the cost of eight bedside uniforms, stockings, shoes, and caps, all white. She also deducted $145.60 for laundering seven uniforms per week. Nurses generally do not wear white uniforms off duty due to professional custom, ethics, and aseptic principles. Harsaghy did not wear her uniforms while off duty or traveling to/from her patient's residence.

Procedural History

Harsaghy filed her tax return and deducted the uniform expenses. The Commissioner assessed a deficiency, which Harsaghy appealed to the Tax Court. The Commissioner conceded some deductions related to phone service, but maintained the uniform expense was not deductible.

Issue(s)

Whether a private duty nurse can deduct the cost of her bedside uniforms and the laundering thereof as an ordinary and necessary business expense under Section 23(a)(1) of the Internal Revenue Code.

Holding

Yes, because the uniforms are required for the nurse's profession, are not suitable for general wear, and are only worn while on duty; therefore, the cost of the uniforms and their laundering is an ordinary and necessary business expense.

Court's Reasoning

© 2025 SCOTUSreports.com. All rights reserved.

The Tax Court relied on its prior decision in *Eleanor E. Meier, 2 T.C. 458*, which allowed a similar deduction for a nurse working in a tuberculosis hospital. The court reasoned that the uniforms served as a mark of the nursing profession and were necessary for patient care from an aseptic standpoint. The court emphasized that the key question was whether the uniforms were adaptable to general and continued wear, replacing the nurse's regular clothing. The court concluded they were not, stating, "Women outside the nursing profession would hardly consider a nurse's uniform and accessories as incorporating such qualities as would make them either practical or desirable for any purpose, much less general and continued wear." The court also emphasized the custom, usage, and ethics preventing nurses from wearing uniforms off-duty and the importance of sanitation in patient care. Because daily laundering was necessary to properly asepticize the uniforms, the court held that the laundering costs also constituted an ordinary and necessary business expense under Section 23(a)(1) of the Internal Revenue Code. The court also cited *Marcus O. Benson, 2 T.C. 12*, where a traffic officer was allowed to deduct the cost of his uniform and expenses related to cleaning it.

Practical Implications

This case provides a clear example of when clothing expenses can be deducted as a business expense. The key is that the clothing must be: (1) required by the employer or the nature of the profession, (2) not suitable for general or personal wear, and (3) worn exclusively, or almost exclusively, during business activities. The ruling has been cited in numerous subsequent cases and IRS publications clarifying the deductibility of work-related clothing. Taxpayers and practitioners should carefully consider the "adaptability to general use" test when determining whether clothing expenses are deductible. The principles outlined in *Harsaghy* continue to guide tax law regarding deductible work clothing expenses and emphasize the importance of professional standards and sanitation requirements in certain occupations. Later cases have distinguished *Harsaghy* based on specific facts, emphasizing that the clothing must be distinctly work-related and not adaptable for everyday use outside of employment.

© 2025 SCOTUSreports.com. All rights reserved.