

Food Stamp Program – Exclusion of Combat Pay

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B. Combat Zones

Combat zones are designated by law or by executive order. See **Attachment I** for a list of designated combat zones.

C. Establishing Deployment to a Combat Zone

Deployment to a combat zone may be established by any of the following methods:

- Public record – Frequently, entire units are deployed to a combat zone and the deployment is a matter of public record. In this case, it would only be necessary to document in the case record pertinent information about the deployment –e.g., the name of the deployed household member and his or her relationship to the head of the household, the name of the unit, and the date of deployment.
- Copies of orders issued to the deployed household member by the military.
- A copy of the deployed household member's Leave and Earnings Statement (LES). When the household back home has a copy of the LES, it will identify combat pay being received and may be used by the household to establish deployment to a combat zone.

III. Instructions for Excluding Combat Pay

A. Existing Policy

Under existing policy FSC 5702, allotments from a member of the U.S Armed Forces to a dependent are counted as unearned income. Under existing policy FSC 5300, money deposited in a joint account by an absent household member is counted as unearned income if the household member has access to the account. Under existing policy FSC 5705, contributions are recurring payments received by a household member from a relative, friend or organization.

When a household member who is a member of the armed services is called to active duty and as a result leaves the household, workers have been counting as income:

- Allotments paid to a dependent,
- Amounts deposited into a joint checking account, and
- Contributions sent directly to the household.

Regardless of the arrangement made by the absent family member for his or her military pay, only that portion of the military pay to which the household has access is counted when determining the household's income for food stamp purposes.

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B. New Policy

Under the new policy DHS county office workers will continue to count the same types of payments as unearned income when a household member has been deployed to a combat zone as a member of the U.S. Armed Forces.

However, as a result of the above noted changes in the law, county office workers will now be required to determine if any part of the countable income received by the food stamp household from a member of the U.S. armed forces who has been deployed to a combat zone should be excluded as combat pay.

Often the household will have access to a military Leave and Earnings Statement (LES) that indicates the amount of combat pay being received by the military person. When the food stamp household has the military person's LES, this statement can be used to establish the amount of combat pay to be excluded when the food stamp budget is run.

If the household does not have access to the LES, the county office worker will

1. Establish, for food stamp purposes, the amount of the military person's pay that was actually available to the household prior to the deployment of the military person to a designated combat zone. If the military person was a member of the food stamp household prior to deployment, this will be his or her net military pay. If the military person was not a member of the household prior to deployment, this is the amount made available to the household prior to deployment. (See the NOTE below in regard to National Guard and Reservists called up for active duty.)
2. Next, determine the amount of the deployed person's military pay that he or she is currently making available to his or her family.
3. Last, determine if there has been a change in the amount made available to the deployed person's household and:
 - If the amount of military pay made available to the household is equal to or less than the amount the household was receiving prior to deployment, continue to count the same amount in the food stamp budget; **OR**
 - If the amount of military pay made available to the household has increased, exclude that portion of the military pay that exceeds the amount the household was receiving prior to his or her deployment.

If benefits are calculated and the household subsequently provides an LES to the DHS county office worker, the worker will allow the household to choose whether to continue using the amount calculated by the DHS county office worker as excluded combat pay or to begin excluding the actual combat pay as established by the LES.

C. National Guard or Reserve Deployment

When members of a National Guard Unit or a Reserve Unit are “called up”, the Unit is not immediately deployed. Before deployment, the military person must be activated. This means that the individual is added to the military payroll. Usually, there is also a period of specialized training. So, for the purposes of determining the amount of combat pay to exclude, the worker must use the income received by the household in the month prior to deployment to a combat zone and **NOT** the income received by the household prior to the “call-up.”

D. Effective Date of the Policy

This policy is retroactive to 10-01-04.

For initial applicants, this income exclusion will be applied when the application is processed. For affected households that are currently participating in the Food Stamp Program, the income exclusion will be applied at the next semi-annual report, reported change, or recertification, whichever occurs first. However, if any affected household contacts the DHS county office to request that combat pay be excluded, the request will be honored within 10 days of the date of the request.

E. Restoration of Benefits

If any household lost benefits on or after 10-01-04 due to an increase in income attributed to the receipt of combat pay, the DHS county office must restore those lost benefits to the household at the time the income exclusion is first calculated. See FSC 13310 for instructions on authorizing a restoration.

F. ANSWER Instructions

If the service member is not included in the household, then the income would be entered as a MILITARY ALLOTMENT and an adjustment reason of COMBAT PAY will be entered for the amount to be excluded. (Even if the service member deposits income into a joint account thus making his or her income available to the food stamp household, the income will be entered to ANSWER as a MILITARY ALLOTMENT. This will insure that ANSWER handles the excluded combat pay correctly.)

If the service member is present in the household (e.g., has just returned from a combat zone and is still in receipt of combat pay), then the income would be entered to ANSWER as SALARY-WAGES and an adjustment reason of combat pay will be entered for the amount to be excluded.

ATTACHMENT I

Combat Zones

By Executive Order 12744 (effective 17 Jan 1991)

- Arabian Sea Portion that lies North of 10 degrees North Latitude and West of 68 degrees East Longitude including:
 - Bahrain
 - Gulf of Aden
 - Gulf of Oman
 - Iraq
 - Kuwait
 - Persian Gulf
 - Qatar
 - Oman
 - Red Sea
 - Saudi Arabia
 - United Arab Emirates

In Direct Support of Executive Order 12744

- Turkey (effective 1 Jan 2003)
- Israel (effective 1 Jan 2003)
- Jordan (effective 19 Mar 2003)

By Executive Order 13239 (effective 19 Sep 2001)

- Afghanistan

In Direct Support of Executive Order 13239

- Pakistan (effective 19 Sep 2001)
- Tajikistan (effective 19 Sep 2001)
- Jordan (effective 10 Sept 2001)
- Incirlik AFB Turkey (effective 21 Sep 2001)
- Kyrgyzstan (effective 1 Oct 2001)
- Uzbekistan (effective 1 Oct 2001)
- Phillipines (applies only to troops with orders that reference OEF – effective 9 Jan 2002)
- Yemen (effective 10 Apr 2002)
- Djibouti (effective 1 Jul 2002)

The list of combat zones is continued on the back of this page.

By Executive Order 13119 (effective 24 Mar 1999)

By Public Law 106-21 Establishing Kosovo as Qualified Hazardous Duty Area (effective 24 March 1999)

- The Federal Republic of Yugoslavia (Serbia/Montenegro)
- Albania
- The Adriatic Sea
- The Ionian Sea north of the 39th parallel

Public Law 104-117 Establishing a Qualified Hazardous Duty Area (effective Nov 1995)

- Bosnia
- Herzegovina
- Croatia
- Macedonia