

Exclusion of Military Combat Pay

This policy memorandum provides information on implementation of the exclusion of military combat pay from income eligibility determinations for:

- free and reduced price meals in the National School Lunch and School Breakfast Programs;
- free and reduced price meals for centers in the Child and Adult Care Food Program (CACFP);
- tier status determinations for family day care homes in the CACFP;
- meals in the Summer Food Service Program; and
- free milk in the Special Milk Program.

This exclusion is authorized by the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (P.L. 111-80; October 21, 2009). This memorandum provides guidance to State and local agencies regarding military combat pay received by service members during a deployment and replaces the memorandum, Family Size and Income Determinations in the Child Nutrition Programs for Certain Military Families, dated March 12, 2003.

As set forth in the statute, combat pay is defined as an additional payment made under Chapter 5 of Title 37 of the United States Code, or as otherwise designated by the Secretary to be excluded, that is received by the household member who is deployed to a designated combat zone. Combat pay is excluded if it is:

- Received in addition to the service member's basic pay;
- Received as a result of the service member's deployment to or service in an area that has been designated as a combat zone; **and**
- Not received by the service member prior to his/her deployment to or service in the designated combat zone.

A combat zone is any area that the President of the United States designates by Executive Order as an area in which the U.S. Armed Forces are engaging or have engaged in combat. As with other types of income commonly received by military personnel (such as the Basic Allowance for Housing or Basic Allowance for Subsistence payments), combat pay received by service members is normally reflected in the entitlements column of the military Leave and Earning Statement (LES). Information regarding deployment to or service in a combat zone may also be available through military orders or public records on deployment of military units. Deployed service members are considered members of the household for purposes of determining income eligibility for the Child Nutrition Programs.

State agencies should implement this income exclusion and notify local agencies of this change immediately. This income exclusion will be added in the next update to the Eligibility Manual for School Meals. For questions or assistance in implementing this income exclusion, State agencies should contact their respective FNS Regional Offices.