



STATE DEPARTMENT OF EDUCATION

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STATE SUPERINTENDENT
PUBLIC INSTRUCTION

STATE GUIDANCE

To: Child Nutrition Programs
From: Colleen Fillmore, Ph.D., R.D., L.D., Child Nutrition Programs Director
Date: September 15, 2010
Subject: Exclusion of Military Combat Pay
Policy Memo SP-06-201, CACFP-03-2010, SFSP-04-2010

This supersedes the January 7, 2010, version of the policy memo, Exclusion of Military Combat Pay. In addition to combat pay and other income received by deployed service members, this memorandum addresses Deployment Extension Incentive Pay (DEIP). This memorandum is applicable to the following eligibility determinations:

- 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.

COMBAT PAY

The exclusion of combat pay 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.

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.

DEPLOYMENT EXTENSION INCENTIVE PAY (DEIP)

The exclusion of combat pay, as described in P.L. 111-80, is extended to DEIP. DEIP is given to active-duty service members who agree to extend their military service by completing deployment with their units without re-enlisting. This exemption applies only until the service members return to their home station. Any additional DEIP payments provided to service members serving at their home station is considered income as they are no longer considered deployed.

OTHER INCOME AND HOUSEHOLD SIZE

We will continue to count only that portion of the deployed service member's income made available by them or on their behalf to the household as income. This is a continuation of the policy established through our March 12, 2003, memorandum, Policy Exception – Family Size and Income Determinations in the Child Nutrition Programs for Certain Military Families. Further, deployed service members continue to be considered members of the household for purposes of determining income eligibility for the Child Nutrition Programs.

State agencies need to inform local educational agencies of this change immediately. The exclusion of combat pay 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.

For further information call the Child Nutrition Division at 208-332-6820