

**GENERAL INFORMATION SYSTEM****DIVISION: Temporary Assistance****January 28, 2005**

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**TO:** Commissioners; TA and FS Directors; Employment Coordinators**FROM:** Russell Sykes, Deputy Commissioner, Division of Temporary Assistance**SUBJECT:** Exclusion of Military Combat Pay**EFFECTIVE DATE:** January 28, 2005**CONTACT PERSON:** Food Stamp Bureau at 1-800-343-8859, ext. 3-1469; Cash Assistance Bureau at ext. 4-9344; HEAP Bureau at ext. 3-0322; Medicaid questions - Priscilla Smith at 3-0925.

Recently enacted federal law contains a provision which excludes from consideration as income in the Food Stamp Program additional pay received by military servicepersons as a result of deployment to a combat zone.

**Food Stamp Implications**

Under existing policy, the absent family member would not be included as a household member for purposes of determining food stamp (FS) eligibility or benefit level. Additionally, only that portion of the military pay actually made available to the FS household by the absent serviceperson is counted as (unearned) income for FS purposes. Money generally is made available to the FS household via a direct deposit of all or a portion of the military serviceperson's pay into a joint checking account or through a dependent's allotment.

Districts must determine if any portion of military pay made available to a FS household should be excluded when establishing the household's income for FS purposes. This is accomplished as follows:

- ?? First, establish what amount of the military serviceperson's pay was actually available to the FS household prior to his or her deployment to a designated combat zone. If the serviceperson was part of the FS household prior to combat-duty deployment, this amount would be his or her pre-deployment military pay. If the serviceperson was not part of the FS household prior to combat-duty deployment, use the amount the serviceperson actually made available to the family prior to deployment to a combat zone.
- ?? Next, determine the amount of military pay that the combat-duty serviceperson is now making available to the FS household.

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?? If the amount of military pay that the combat-duty serviceperson is making available is equal to or less than the amount the household was receiving from the serviceperson prior to deployment to a combat zone, all of the available military pay would be counted as income to the FS household. **Any portion of the amount that exceeds the amount the household was receiving prior to deployment of the military person to a combat zone must be excluded when determining the household's income for food stamp purposes.**

?? Military pay from a deployed serviceperson that is available and counted for a FS household should be budgeted in Upstate ABEL using unearned income source code "10 - GI Dependency Allotment" and in NYC ABEL using income source code "99 - Other Unearned Income" for FS.

Documentation of the deployed person's income and combat location may be found in the deployed person's Leave and Earnings Statement (LES), which often is sent directly to the family or mailed to the family by the deployed person. The LES will identify combat pay and amount, and can be used to establish deployment to a combat zone. Deployment to a combat zone can also be established through orders issued to the serviceperson. Frequently, entire units are deployed and the place of their deployment is a matter of public record. FS households also may have internet access to pay information for the deployed person or may seek assistance via the local base financial office.

Due to legislative requirement, the policy is retroactive to October 1, 2004 and is effective through September 30, 2005. **Any FS household that had an increase in income as a result of a military serviceperson's combat zone deployment that was counted in their food stamp case as of October 1, 2004, is entitled to restoration of lost benefits.** Districts should make such a determination at the household's next recertification, unless the household requests a review of its case prior to that time. A household that was denied because excludable income was counted would also be entitled to a restoration of lost benefits.

Any income excluded under the legislation remains excluded for the duration of the serviceperson's combat deployment and, in the event the legislation is not renewed for federal fiscal year 2006, until the household's next recertification after September 30, 2005.

**Temporary Assistance Implications**

There is no provision in the Consolidated Appropriations Act requiring districts to exempt portions of pay received by military personnel assigned to a combat zone when a worker determines an applicant's/recipient's eligibility for temporary assistance (TA). For federal TA categories of assistance, persons who report for active duty even when assigned to a designated combat zone must be considered temporarily absent from the household. For TA, the needs, income and resources of the absent person are counted in

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full (18 NYCRR 349.4). This remains true as long as the absent member does not intend to establish residence elsewhere and even when he/she temporarily leaves New York State or the United States, or its territories. The expectation that the absent person will return is not time limited.

For State/local categories of assistance, Section 370.4 requires that needs must be determined, resources explored and utilized, and the budgetary method applied as required by Part 352. Under Section 352.30(a), persons who are considered temporarily absent may be considered part of the TA household. Therefore, as with federal categories of assistance, persons considered temporarily absent from the household must have their full needs, income and resources considered when determining the eligibility of applying households.

Applicants for assistance to meet short-term emergency/immediate needs must have their eligibility for such assistance based on income and resources available to meet the emergent/immediate need at the time of application. This includes the availability of outside community and family resources. Each request for such assistance must be dealt with on a case-by-case basis with the worker initially determining if an emergency exists, whether the emergency is an immediate need and finally, to arrange for the disposition of the request.

**HEAP Implications**

HEAP policy regarding household status and income calculation for military personnel has not changed; please continue to follow procedures as outlined in the HEAP Manual.

**Medicaid Implications**

The Consolidated Appropriations Act made no provisions to exclude combat pay from determining Medicaid eligibility. Therefore, the policy for Medicaid remains the same; if an applicant receives a dependency allotment for combat, the amount received is counted as unearned income. If the applicant/recipient is a legally responsible relative (LRR) who is temporarily absent from the household, then the absent LRR and her/his income will be included in determining Medicaid eligibility for household.