United States Department of Agriculture

Food and Nutrition Service

3101 Park Center Drive
Alexandria, VA
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SUBJECT: WIC Policy Memorandum 2010-02
Implementation of Public Law (P.L) 111-80
Exclusion of Combat Pay from WIC Income Eligibility Determination

TO: Regional Directors
Supplemental Food Programs
All Regions

This policy memorandum authorizes implementation of the exclusion of military combat pay from WIC income eligibility determinations, as authorized by the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (P.L. 111-80), which was enacted on October 21, 2009. This memorandum provides guidance to WIC State and local agencies regarding military combat pay received by service members during a deployment.

As set forth in the legislation, combat pay is defined as an additional payment made under Chapter 5 of Title 37 of the United States Code (see attached link), 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.

WIC State and local agencies should continue to count service members, while deployed, as household members for purposes of determining income eligibility for the WIC Program.

WIC State agencies should implement this income exclusion effective immediately. FNS plans to address the combat pay income exclusion in a future rulemaking. For questions or assistance in implementing this income exclusion, State agencies should contact their respective FNS Regional Offices.

Debra R. Whitford

DEBRA R. WHITFORD
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Supplemental Food Programs Division

Attachment: http://frwebgate.access.gpo.gov/cgi-bin/usc.cgi?ACTION=BROWSE&TITLE=37USCC5&PDFS=YES