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Office of Family Stability Letter # **28**
March 16, 2005

TO: Directors, County Departments of Job and Family Services

FROM: Jeanne Carroll, Deputy Director
Office of Family Stability

SUBJECT: OWF, DFA, AND RCA: MILITARY COMBAT PAY, DISASTER RELIEF UNEMPLOYMENT FUNDED UNDER NATIONAL EMERGENCY GRANTS, AND DISASTER UNEMPLOYMENT ASSISTANCE

Recently, clarification was provided by the Food and Nutrition Service regarding the treatment of military combat pay, disaster relief unemployment funded under National Emergency Grants and disaster unemployment assistance. The background of each of these clarifications is outlined below.

On December 8, 2004, the President signed The Consolidated Appropriations Act, 2005, Public Law 108-447, which contains a provision excluding from consideration as income in the Food Stamp program additional pay received by military personnel as a result of deployment to a combat zone.

Section 181 (a)(2) of the Workforce Investment Act (WIA) states that allowances, earnings, and payments to individuals participating in programs under Title I of WIA must not be considered as income for purposes of determining eligibility for and the amount of income transfer and in-kind aid furnished under any Federal or federally assisted program based on need. These disaster relief grants are meant to provide assistance to an area within a state that has suffered an emergency or a major disaster as defined in the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Public Law 100-707 authorized the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act to pay Disaster Unemployment Assistance to any individual unemployed as a result of a major disaster. Because disaster unemployment assistance is considered Federal major disaster and emergency assistance under the Stafford Act, it cannot be considered as income or as a resource when determining food stamp benefits.

As a result of the clarifications from the Food and Nutrition Service, Food Stamp Action Transmittal (FACT) #25, entitled, "Food Stamps: Income Exclusions: Military Combat Pay, Disaster Relief Employment Funded Under National Emergency Grants, and Disaster Unemployment Assistance" was issued on March 11, 2005. This FACT provides for the exclusion of income from these sources in the determination of eligibility for food stamps. (Please refer to FACT #25 for specific information regarding the applicability of the income exclusions.)

The FACT was issued to provide the new food stamp policy to you as quickly as possible so that no food stamp assistance group is adversely affected by the receipt of any of the excluded income.

Income that is excluded in determining eligibility for the food stamp program is also excluded in determining eligibility for OWF, DFA and RCA benefits, as provided in Administrative Code rules 5101:1-23-20, 5101:1-5-40 and 5101:1-2-40 respectively.

We are notifying you with this letter to apply the income exclusions described in the FACT #25 when determining eligibility for OWF, DFA and RCA. The retroactive provisions included in FACT #25 are also applicable to OWF, DFA and RCA eligibility. This letter should ensure the consistent exclusion of income from these sources until the food stamp rules modifications become final filed through the JCARR process.

Thank you for your attention to this matter.

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