



January 7, 2005

**United States
Department of
Agriculture**

Food and
Nutrition
Service

3101 Park
Center Drive
Alexandria, VA
22302-1500

SUBJECT: Military Families and Eligibility in the Child Nutrition Programs

TO: Regional Directors
Special Nutrition Programs
All Regions

We have recently received questions regarding the child nutrition policy on the treatment of income from deployed military personnel engaged in long-term military campaigns overseas.

Beginning in October 1991, we issued guidance related to the treatment of military income for the military campaign Operation Desert Shield/Desert Storm. Subsequently, in February 2003, we issued two memoranda that addressed the issues related to the treatment of military income for the military campaign Operation Enduring Freedom/Noble Eagle. Prompted by the deployment of US military forces in support of Operation Iraqi Freedom, we are issuing this memorandum to establish policy as it applies to this and future military deployments in recognition that:

- military deployments are initiated with little or no advance warning, and
- each deployment receives a unique designation to distinguish it from any other deployment or campaign.

This policy will remain in effect until rescinded or replaced by legislation, regulation, or future policy and affects households by making special accommodations for

- free and reduced price meal eligibility determinations,
- tier I day care home determinations, and
- meal benefits for children temporarily residing with their day care home provider.

Current Policy

Under current policy (please reference pages 32-33 of the Eligibility Guidance for School Meals Manual issued August 2001), household members who are temporarily absent from their household are to be considered household members, and their income is included with other household income when making an eligibility determination. Household members not living with the household for an extended period of time or living overseas are not included as members of the household for eligibility purposes, and only that portion of their income made available by them or on their behalf to the household is counted as income to the household.

Policy for Deployed Service Members

Until further notice, we are continuing the exception to current policy on determining household income and size for deployed service members. For the purpose of determining household size, deployed service members should be considered family members living apart on a temporary basis and considered a household member.

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

However, only that portion of the deployed service member's income made available by them or on their behalf to the household will be counted as income to the household.

School Nutrition Programs

Schools are to instruct families completing their meal benefit forms to include the names and that portion of income of deployed service members made available to the household. The determining official would count the service member as part of the household in establishing a child's eligibility for free and reduced price meals.

Child and Adult Care Food Program

An institution would instruct families to include the names and income of deployed service members on their meal benefit forms. The determining official would count the service member as part of the household in establishing a day care home provider's eligibility for tier I reimbursement rates.

Deployment of a parent or guardian may also affect the eligibility of a child who temporarily resides with a day care home provider to receive meals in the Child and Adult Care Food Program. Although the child may live with the provider while the service member is deployed, the child would not be considered a "provider's own" child. In this special situation, the child would continue to participate in the meal service as a nonresidential participant. To claim reimbursement for program meals, the day care home provider must have power of attorney, custody, or an agreement established by the military to provide residential care to the child.

If you have questions or concerns regarding this policy for the School Nutrition Programs, please contact Todd J. Barrett. Should you have a question or concern regarding the Child and Adult Care Food Program, please contact Keith Churchill.

A handwritten signature in purple ink that reads "Stanley C. Garnett". The signature is written in a cursive, flowing style.

STANLEY C. GARNETT
Director
Child Nutrition Programs