Subject: Income Exclusions When Determining Eligibility

Effective Date: October 1, 2015

Revised from: October 11, 2012

Policy: Specific incomes are not counted toward gross income for the purposes of WIC income eligibility determination.

Procedure:

Do not include the following as income:

- Food Stamp Act (1977)
- Income received for services performed under the Domestic Volunteer Act (1973)
- Earned Income Tax Credit (EITC)
- Tax Refunds
- Student financial assistance received from any program funded under Title IV-Higher Education Act of 1965: Public Law 99-498 Section 479B, 20 U.S.C. 1087uu:
  - Pell Grants
  - Supplemental Educational Opportunity Grant
  - State Student Incentive Grants
  - National Direct Student Loan
  - PLUS
  - College Work Study
  - Byrd Honor Scholarship program, Section 472 (1)(2)
- Basic allowance for housing received by military services personnel residing off military installations or in privatized housing, whether on or off base. (BAH)
- Military Combat Pay is excluded if
  - 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;
  - Not received by the service member prior to his/her deployment to or service in the designated combat zone.
  Refer to Appendix 11 for more military exclusions.
- Cost of living allowance provided under 37 U.S.C. 405, to a member of a uniformed service who is on duty outside the contiguous states of the United States.
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- Payments pursuant to the Agent Orange Compensation Exclusion Act. Public Law 101-201, Section 1

- Exclude the upfront amount taken out of a military person’s salary that goes into the Veteran’s Educational Assistance Act of 1984 (GI Bill). However, payments that are subsequently received by individuals for school expenses must be counted as income. Public Law 99-576, Section 303(a)(1), 38 U.S.C. Section 1411(b).

- Payments received by members of the Armed Forces and their families under the Family Subsistence Supplemental Allowance (FSSA) from the Department of Defense (DoD). Public Law 109-163, Section 608

- The value of assistance to children or their families under:
  - the National School Lunch Act (if receiving free or reduced lunches), as amended Public Law 94-105, Section 9(d), 42 U.S.C. Section 1760(e)
  - the Child Nutrition Act of 1966, Public Law 89-642. Section 119(b), 42 U.S.C. Section 1780(b)
  - the Food and Nutrition Act of 2008, Public Law 95-113, Section 1301, 7 U.S.C. Section 2017(b)


- Value of any “at-risk” block grand child care payments made under Section 5081 of Public Law 101-508, which amended section 402(i) of the Social Security Act.

- Value of any child care provided or paid for under the Child Care and Development Block Grant Act, as amended, Public Law 102-586, Section 8(b), 42 U.S.C. 9858q.

- Loans, not including amounts to which the applicant has constant or unlimited access.

- Lump sum payments if those payments represent reimbursements for lost assets or for injuries, such as:
  - Amounts received from insurance companies for loss or damage of real or personal property, such as home or auto.
  - Payments for a specific expense incurred by the household, such as payment of medical bills resulting from an accident or injury.

- Payments received under the Job Training Partnership Act, Public Law 97-300, Section 142(b), 29 U.S.C. 1552 (b).

- Payments under the Disaster Relief Act of 1974, as amended by the Disaster Relief and Emergency Assistance Amendments of 1989. Public Law 100-707, Section 105(i), 42 U.S.C. Section 5155(d)
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- Payments received under the Cranston-Gonzales National Affordable Housing Act, unless the income of the family equals or exceeds 80% of the median income of the area. Public Law 101-625, Section 522(i)(4), 42 U.S.C. Section 1437fnt.


- Payment to volunteers under Title I, (VISTA and others) and Title II (RSVP, Foster grandparents, and others) of the Domestic Volunteer Service Act of 1973 (Public Law 93-113, Section 404(g), 42 U.S.C. 5044(g) to the extent excluded by that Act.

- Payments under the Low-income Home Energy Assistance Act, as amended Public Law 99-125, Section504(c) , 42 U.S.C. Section 8624(f)

- Payments received under the Housing and Community Development Act of 1987, unless the income of the family increases at any time to not less than 50 percent of the median income of the area. Public Law 100-242, Section 126(c)(5)(A), 25 U.S.C. Section 2307.

- Payments received under the Old Age Assistance Claims Settlement Act, except for per capita shares in excess of $2,000. Public Law 98-500, Section 8, 25 U.S.C. Section 2307.


- Income derived from certain sub marginal land of the United States which is held in trust for certain Indian tribes. Public Law 94-114, Section 6, 25 U.S.C. 459e.

- Payments to surviving spouses from the Filipino Veterans Equity Compensation Fund. Public Law 111-5.

- Income derived from the disposition of funds to the Grand River Band of Ottawa Indians. Public Law 94-540, Section 6

- Payments received under the Alaska Native Claims Settlement Act. Public Law 100-241, Section 15, 43 U.S.C. Section1626(c)

- Payments by the Indian Claims Commission to the Confederated Tribes and Bands of the Yakima Nation or the Apache Tribe of the Mescalero Reservation. Public Law 95-433, Section 2, 25 U.S.C. 609c-1
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- Payments to the Passamaquaddy Tribe and the Penobscot Nation or any of their members received pursuant to the Maine Indian Claims Settlement Act of 1980. Public Law 96-420, Section 6, 9(c), 25 U.S.C. 1725(i), 1728(c)

- Payments received under the Sac and Fox Indian claims agreement. Public Law 94-189, Section 6.

- Payments for the relocation assistance of members of Navajo and Hopi Tribes. Public Law 93-531, Section 22, 22 U.S.C. Section 640d-21.


- Payments to the Blackfeet, Grosventre and Assiniboine tribes (Montana) and the Papago (Arizona). Public Law 97-408, Section 8(d).

- Payments to the Assiniboine Tribe of the Fort Belknap Indian community and the Assiniboine Tribe of the Fort Peck Indian Reservation (Montana). Public Law 98-124, Section 5.

- Payments to the Red Lake Band of Chippewas. Public Law 98-123, Section 3.

- Payments received under the Saginaw Chippewa Indian Tribe of Michigan Distribution of Judgement Funds Act. Public Law 99-346, Section 6(b)(2).

- Payments to the Chippewas of Mississippi. Public Law 99-377, Section 4(b).

- Payments received under the Judgment Award Authorization Act, as amended. Public Law 97-458, Section 4, 25 U.S.C. Section 1407 and Public Law 98-64, Section 2(b), 25 U.S.C. Section 117b(b)

