

The IV-D worker must understand how to decipher the LES information in order to determine accurately a military member's complete income. Note that the various types of income are reported for the current pay period and for year-to-date. The LES also identifies whether a given source of income is taxable. A caseworker should review at least six months of pay in order to get a complete financial picture.

If the member is not receiving BAH and BAS/Sep Rats, it is likely that the member is living on base and not paying for housing or food. In these instances, it is important to take this "in kind" income into account when you are determining the member's true income and/or the member's necessary monthly living expenses. Review the LES carefully to determine the true "net" or "disposable" income available to the member. For example, some allotments are voluntary (e.g., deductions for retirement accounts) and may not be appropriate reductions from gross earnings for the purpose of support guideline calculations.

If the member does not voluntarily provide the IV-D office with a copy of a current and complete LES, use a Freedom of Information Act (FOIA) request to obtain a copy. Direct this request to the Defense Finance and Accounting Service Center (DFAS) in Cleveland, Ohio.

You should also request the member's tax returns. Many service members supplement their basic pay with investment income or second jobs. Keep in mind, however, that a portion of military pay (e.g., BAS, BAH) is not taxable. There-

fore, although tax records may include income not reported on the member's military pay stubs, the pay stubs will report income that does not appear on the member's tax return. It is important to review both documents to ensure an accurate picture of the member's income.

**Americans With Disabilities Act of 1990**  
The Lawrence County DRS has adequate facilities to accommodate individuals with disabilities. Please make your needs known several days prior to your scheduled hearing.



**Lawrence County  
Domestic Relations**

430 Court Street  
New Castle, PA 16101

Phone: 724-656-2179  
Fax: 724-658-7851

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Domestic Relations**

[LawrenceCountyPA.gov/drs](http://LawrenceCountyPA.gov/drs)

## Working with the Military



**430 Court Street**

**New Castle, PA 16101**

**Tel: 724-656-2179**

**Fax: 724-658-7851**

## Things to consider when working with the military

### SUPPORT ORDER ESTABLISHMENT IN MILITARY CASES

Similar to its position in paternity cases, the military views the establishment of a child support order as a matter for the civilian courts. Where no support order exists in the case, there is little a commanding officer can do to compel a subordinate to contribute financial support to his/her family when that subordinate denies owing such support.

#### Military Policy and Regulations Regarding Support Order Establishment

It is important to note at the outset that, in the absence of a support order or an agreement between the parties on the support amount owed, all branches of the military maintain regulations that require a duty of support by the service member to his or her family. Where the regulations specify a particular amount, it is generally less than the amount called for under most state child support guidelines. Accordingly, the best practice always is to establish a support order in accordance with your state laws and procedures at the earliest opportunity.

In broad statements of policy, all branches of the military prohibit a member from using his/her military duty to deny financial support to his/

her family. In support order establishment situations, each branch of the military provides additional policy and regulations defining the roles of the service member and his/her commanding officer. For example, Army policy requires soldiers to provide “adequate financial support to their family members” to make certain that “their financial needs and welfare do not become official matters of concern for the Army.” But what assistance can a IV-D office expect to receive from the military chain of command should an individual member violate this policy by failing to provide adequate support for his/her family?

Besides promptly commencing support order establishment procedures, the IV-D office can turn to the military chain of command for limited assistance before

#### Determining “Income” for a Member of the Military

It remains important for the IV-D office to promptly initiate appropriate support order establishment procedures because the military chain of command is limited in its ability to provide assistance in initiating the payment of child support. For all states, the establishment of an appropriate support obligation relies upon a full disclosure of the member’s income. In the military, a member’s basic pay is frequently neither a full nor a complete picture of that person’s income. Military pay is comprised of basic pay, available allow-

ances (e.g., Basic Allowance for Housing (BAH), Basic Allowance for Subsistence or Separate Rations (BAS or Sep Rats)), special skill pay (e.g., flight pay), and bonuses (e.g., reenlistment). To determine the military member’s true income, the IV-D office needs a resource that details the member’s basic pay and all allowances and special pay. For all branches of the military, this information is provided on the member’s Leave and Earnings Statement (LES).

#### The Leave and Earnings Statement

The LES is a comprehensive document that provides a wealth of information that is critical to the order establishment process. The LES has 78 separate fields that include, among other things, the following information:

- Member’s name and Social Security number (fields 1-2)
- All pay the member receives (Base, Special, Incentive, and Bonus) (field 19)
- All allowances and entitlements the member earns (field 10)
- Member’s leave balances (fields 25-32)
- Number of dependents the member claims (field 51)
- Member’s declared state of domicile (field 44)