

Aged, Blind and Disabled Manual	Section: Financial Eligibility Requirements
Policy Manual Number: 110.030	Chapter: ABD Unearned Income

ABD UNEARNED INCOME

Legal Authority: 20 CFR 416.1110; 20 CFR 416.1120; 20 CFR 416.1121; 20 CFR 416.1123; 20 CFR 416.1124; Public Law 113–295; Tenn. Code Title 71, Chapter 4, Part 8

1. Policy Statement

Unearned income is money an individual receives that is not the result of current work efforts, but accrues to an individual as the result of investment, inheritance, previous work efforts, etc. Unearned income for the ABD TennCare Medicaid categories is counted according to the Social Security Administration (SSA) Supplemental Security Income (SSI) financial methodology.

2. Unearned Income

<p>Achieving a Better Life Experience (ABLE)</p>	<p>Excluded.</p> <p>ABLE accounts or 529A accounts are tax-advantaged savings accounts for individuals with disabilities that are established under a qualified ABLE program. The funds within an ABLE account are intended to cover the individual’s Qualified Disability Expenses (QDEs) related to her blindness or disability.</p> <p>All contributions and ABLE account earnings in an ABLE account are excluded as income, except that contributions are not deducted from countable income of the individual making the contribution. Contributions to an ABLE account from a third party should not be considered countable as income or a resource. This includes funds from a trust.</p> <p>Distributions from an ABLE account are not income of the designated beneficiary in any month, regardless of whether the distribution is for non-housing QDEs, housing QDEs or non-qualified expenses. Distribution from an ABLE account is the conversion of a resource from one form to another.</p> <p>QDEs include, but are not limited to: education, housing, transportation, employment training and support, assistive technology and personal support services, health, prevention and wellness, financial management and administrative services, legal fees, and funeral and burial expenses, and basic living expenses.</p>
<p>Adoption Subsidies</p>	<p>Title IV adoption subsidies are intended to pay for general</p>

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	<p>living expenses and are countable unearned income to the child.</p> <p>When the adoption subsidy is a reimbursement for child care while the adult responsible for the child is at work or seeking employment, or is for medical expenses, it is excluded.</p>
Alimony	<p>Countable.</p> <p>Payments an individual receives from a spouse he no longer lives with, or a former spouse, if paid as part of a divorce agreement, separation agreement or court order.</p>
Annuities	<p>Annuities are contracts or agreements that, in exchange for a lump sum payment or series of payments, provide income at regular intervals (i.e., monthly, quarterly, annually). Annuities establish a source of income for a future period, and are often used in retirement planning.</p> <p>Annuity payments count as unearned income the month received when the annuity is an excluded resource, except when the payments are from a State annuity. Payments to an individual or spouse from a State annuity are excluded if the annuity is paid by a state based on a determination that the individual is a veteran who is aged, blind or disabled.</p> <p>If an annuity is an excluded resource, the periodic payments are countable unearned income, unless specifically excluded under this policy. See the <i>ABD Countable and Excluded Resources</i> policy for resource treatment of an annuity.</p>
Canceled Debts	<p>Excluded.</p> <p>The amount of a debt an individual is no longer required to pay or that is forgiven.</p>
Capital Gains	<p>Countable.</p> <p>Income an individual receives when a capital asset is sold and an individual makes a profit from the sale. Capital assets include a home, household furnishings and stocks and bonds held in a personal account. When a capital asset is sold, the difference between the amount paid for the asset and the amount it is sold for is the capital gain or loss.</p>

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Care and Contribution in Exchange for a Transferred Asset	<p>Countable.</p> <p>If the individual has transferred an asset and part or all of the compensation he received included a provision for lifetime total care and support, the value of the care and support contribution is unearned income.</p>
Cash Inheritance	<p>Countable.</p> <p>The value of inherited cash is counted as income in the month of receipt and if the individual retains it, as a resource in the months thereafter. The month of receipt for an inheritance composed of cash is the month the individual receives that money.</p>
Cash Support	<p>Countable.</p> <p>Count regular contributions made directly to the individual as unearned income unless it can be excluded as irregular or infrequent income.</p>
Child Support Arrearage	<p>Countable.</p> <p>Child support arrearages received, whether received on a regular monthly schedule or as a one-time payment.</p> <p>One-third (1/3) of the child support arrearage payment, received from an absent parent by a child under age 18 or under age 22 and regularly attending school, is excluded. The remaining 2/3 value is counted as unearned income in the month of receipt.</p> <p>The child support arrearage is counted in its entirety when the child is an ineligible child in a deeming budget or is applying for Institutional Medicaid.</p>
Child Support	<p>Child support payments are countable to the child(ren) the payments are intended to support. If the support order does not indicate the amount per child, assume the amount received is equally distributed among all of the non-custodial parent's children for whom the payment is made.</p> <p>When determining eligibility for a disabled child under age 18 or under age 22 and regularly attending school, and the child</p>

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	<p>support payment is countable to the child, 1/3 of the child support amount received from an absent parent is excluded. The remaining 2/3 value is counted as unearned income in the month of receipt.</p> <p>The one-third exclusion does not apply when the child is an ineligible child in a deeming budget or is applying for Institutional Medicaid.</p> <p>The value of support payments is counted in its entirety for individuals age 22 and older as unearned income in the month of receipt.</p> <p>Use one of the following to verify the value and frequency of support payments:</p> <ul style="list-style-type: none"> • Copy of the child support award agreement; or • Written statement from the individual paying the support and a copy of the most recent support check or receipt.
<p>Community Spouse Income Maintenance Amount (CSIMA) / Dependent Income Maintenance Amount (DIMA)</p>	<p>The CSIMA and the DIMA are income allocations made to certain spouses and dependents of individuals eligible in an Institutional Medicaid category. When an institutionalized individual has a community spouse or dependent living in the home, a portion of the individual's income is allocated to the community spouse or dependent in order to cover the necessary costs of living in the home.</p> <p>The CSIMA and/or DIMA are countable unearned income for applicants ONLY when the institutionalized individual is NOT in the community spouse's or dependent's household.</p> <p>If the institutionalized individual is living in the applicant's household, the CSIMA and DIMA are excluded.</p>
<p>Death Benefits</p>	<p>Countable.</p> <p>A death benefit is received as the result of another's death. Examples of death benefits include:</p> <ul style="list-style-type: none"> • Proceeds of life insurance policies received due to the death of the insured;

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	<ul style="list-style-type: none"> • SSA, Veterans Affairs (VA) or Railroad retirement lump sum death benefits; • Inheritances in cash or in-kind; and • Cash or in-kind gifts given by relatives, friends or a community group to “help out” with expenses related to the death, etc. <p>Recurring survivor benefits such as those received under Social Security Title II, private pension programs, etc. are not death benefits.</p> <p>Death benefits are income to an individual if the total amount exceeds the expense of the deceased person’s last illness and burial paid by the individual to whom the death benefit is issued.</p>
Education Income Not Work Study	<p>Excluded.</p> <p>Income received through Federal Student Aid, such as grants and loans, except for income received through Work Study programs.</p>
Federal Emergency Management Agency (FEMA) Payment Disaster or Emergency	<p>Excluded.</p> <p>FEMA payments issued as a result of a presidentially declared emergency or major disaster are excluded. Payments made by comparable disaster assistance programs by states, local governments and disaster assistance organizations are also excluded.</p>
Federal Emergency Management Agency (FEMA) Payment Non Disaster or Emergency	<p>Countable.</p> <p>FEMA payments made to a household to pay for rent, food and utility assistance when there is NO major disaster or emergency declaration are countable.</p>
Gambling, Prizes and Awards	<p>Countable.</p> <p>The value of a prize or award is unearned income in the month the individual receives it.</p> <p>A prize is something won in a contest, lottery or game of chance. If the individual is offered a choice between an in-</p>

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	<p>kind prize or cash, the cash offered is counted as unearned income even if the individual chooses the in-kind item and regardless of the value of the in-kind item.</p> <p>An award is received as the result of a decision by a court, board of arbitration, etc. Secure from the applicant any of the following types of verification:</p> <ul style="list-style-type: none"> • Award letter; • Copy of the check received; • Contest advertisement; or • Income tax return for the year the prize or award was claimed.
Gifts	<p>Countable.</p> <p>A gift is received by a household member without the giver's legal obligation or as repayment for goods or services. The value of a gift, either cash or in-kind, is counted as unearned income in the month of receipt. The cash gifts value is counted in whole the month of receipt, unless it can be excluded as infrequent or irregular income.</p> <p>The value of in-kind gifts is equal to the item's current market value. A gift of a house which is used as shelter is not counted as income and is exempted as a homestead. A gift of a house which is not used as shelter is not counted as income and is valued as a resource at its current market value.</p> <p>Gifts of commercial travel tickets for domestic travel are excluded from income if they are not converted to cash.</p> <p>Use any of the following methods to verify the type, amount and date of receipt of a gift:</p> <ul style="list-style-type: none"> • Photocopy of the check; • A written or verbal statement from the donor regarding the gift's value and date given; or • In the absence of the first two verification types listed, the individual's sworn statement.
In-Kind Support and Maintenance (ISM)	<p>Unearned in-kind income, in the form of food and/or shelter, is referred to as ISM and is countable income in the month</p>

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	received. See the <i>In-Kind Support and Maintenance</i> policy to determine the value of ISM.
Income Not Pursued	<p>Countable.</p> <p>Income not pursued includes payments for which an individual could apply on an ongoing or one-time basis and may include annuities, pensions, retirement benefits or disability benefits.</p> <p>Note: This may decrease household size for other individuals in the household and the applicant may be found not eligible due to failure to apply for other benefits.</p>
Income Producing Resource	<p>Income earned off of an income-generating resource is counted or excluded based on the treatment of the resource. Income generating resources include:</p> <ul style="list-style-type: none"> • Annuities; • Contract for Deeds; and • Promissory Notes. <p>Income generated by a resource that is excluded is countable unearned income. Income generated by a resource that is countable is excluded as income. See the <i>ABD Countable and Excluded Resources</i> policy for determining when a resource is countable or excluded.</p>
Interest Income	<p>Interest income and dividends are a return on a capital investment such as stocks, bonds, mutual funds or savings accounts. A cash gift or incentive payment to open an account is considered interest income.</p> <p>Interest income and dividends can be countable or excluded, depending on the treatment of the source of the interest or dividend. If the interest-bearing resource is counted, the interest income is excluded. If the interest-bearing resource is excluded, the interest income is counted. Interest bearing resources include the following:</p> <ul style="list-style-type: none"> • Certificate of Deposit; • Checking Account; • Life insurance;

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	<ul style="list-style-type: none"> • Mutual Funds; • Retirement account; • Savings account; and • Stocks and Bonds. <p>If interest income is countable, count it at the earliest of the following:</p> <ul style="list-style-type: none"> • Income is credited to an individual’s account and is available for use; • Income is set aside for the individual’s use; or • When the income is actually received by the individual. <p>See the <i>ABD Countable and Excluded Resources</i> policy for determining when a resource is countable or excluded.</p>
Irregular or Infrequent Income	<p>Exclude up to \$60 per calendar quarter per household of unearned income that is received either irregularly or infrequently. In order to be excluded, the income need only be irregular or infrequent.</p> <p>Income is considered to be irregularly received if an individual cannot reasonably expect to receive it. Income is received infrequently if an individual receives it only once during a calendar quarter from a single source and the individual did not receive that type of income in the previous month or in the month following the month in which the money was received. A single source of unearned income is from one individual, household, organization or investment (single financial account, life insurance policy, rental property or other resource providing a return to its owner).</p> <p>Irregular or infrequent income is not excluded when determining Institutional Medicaid eligibility. See the <i>ABD Income Disregards and Expenses</i> policy.</p>
Jury Duty	<p>Jury duty is countable unearned income in the month it is received. Any jury duty pay that is turned over to an individual’s employer is excluded. Countable jury duty pay does not include expense money provided during jury duty participation.</p>
Lump Sum	<p>Lump sum payments are countable income in the month</p>

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	received, if they are not from an excluded source.
Long Term Care (LTC) Insurance Payout	<p>Long-Term Care (LTC) insurance policies are treated as Third Party Liability. The LTC policy must be assigned to the nursing home, the HCBS provider, or the Managed Care Organization (MCO). If the LTC policy is not assignable, the individual must provide any payments received to the nursing home, the HCBS provider, or the MCO. Payments made to the nursing home, HCBS provider, or the MCO are not treated as income.</p> <p>If an individual receives an LTC Insurance payout, and does not use the benefit to pay the nursing facility, the HCBS provider, or the MCO, the payout will be counted as unearned income in the month received.</p>
Military Allowances	<p>Countable.</p> <p>Military allowances are cash benefits that compensate the service member, at least in part, for the expenses of housing, food, clothing, and special situations during periods of active duty service.</p> <p>Military allowances paid to service members and their families are generally counted as earned income. See the <i>ABD Earned Income</i> policy.</p> <p>The basic allowance for housing (BAH) is a cash allowance that service members receive during periods of active duty military service to pay for housing.</p> <p>The BAH is treated as earned income when the payment is made to military personnel living in private housing. The BAH counts as unearned income in the form of in-kind support and maintenance (ISM) subject to the Presumed Maximum Value (PMV) rule when paid to service members and their families living in on-base housing or privatized military housing.</p> <p>See the <i>In-Kind Support and Maintenance</i> policy to determine the value of ISM.</p>
Pension	Countable.

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	Recurring pension payments are countable unearned income.
Protective Payee	<p>Funds received by a protective payee (conservator, authorized representative or representative payee) and used for the care and maintenance of a third party beneficiary (adult or child) who may or may not be a member of the protective payee's household are excluded as income to the protective payee. Any part of the payment that is retained by the protective payee for his own use is countable income to the protective payee. Even if the protective payee retains a fee for his services, the entire payment issued to the beneficiary is countable income to the beneficiary.</p> <p>As a condition of eligibility, applicants and enrollees must take necessary steps to obtain all countable income to which they may be entitled. Therefore, the total amount intended for the beneficiary is counted to the beneficiary even if he is not actually receiving the income from the protective payee.</p>
Railroad Retirement	<p>Countable.</p> <p>Railroad Retirement Board benefits are countable unearned income in the month received.</p>
Reimbursements	<p>Reimbursements are any payments to reimburse past or future expenses that do not exceed the actual expenses and are excluded income to the extent that they do not exceed actual expenses.</p> <p>Examples of excluded reimbursements include:</p> <ul style="list-style-type: none"> • Reimbursements for job or training-related expenses (travel, per diem, transportation); • Reimbursements for out-of-pocket expenses of volunteers incurred during the course of volunteer work; and • Medical and dependent care reimbursements.
Rental or Lease	<p>Countable.</p> <p>Rent is payment for the use of real or personal property, such as land, housing or machinery. Rental income is considered unearned when the individual is not a real estate or property owner in the business of buying, selling and/or renting</p>

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	<p>property for a profit.</p> <p>Count the net rental income in determining income eligibility. Gross income from rent is subject to deductions for paid expenses necessary for the production or collection of income. See Self-Employment.</p>
Royalties/Honoraria	<p>Countable.</p> <p>Royalties are countable unearned income when the individual receives payment based on the use of a natural resource for which he owns the usage rights.</p>
Settlements and Restitutions	<p>Excluded.</p> <p>The following settlements and restitution payments are excluded as unearned income:</p> <ul style="list-style-type: none"> • Agent Orange Settlement Payments (and interest from payments); • Disaster Relief Assistance received under the Disaster Relief Act of 1974; • Distribution of perpetual judgment funds to Indian tribes under the following: <ul style="list-style-type: none"> ○ Indian Judgment Funds Distribution (P.L. 93-134); ○ Black Feet and Gros Ventre Tribes (PL 92-254); ○ Grand River Band of Ottawa Indiana in Indian Claims Commission Docket No. 40-K; ○ Tribes of groups under PL 93-134; ○ Yakima Indian Nation or the Apache Tribe of the Mescalero Reservation (PL 94-433); and ○ Receipts from land held in trust by the Federal government and distributed to certain Indian tribes under PL 94-114; • Factor VIII or IX Concentrate Blood Products Litigation. The settlement payments (and interest from payments) made as a result of the class action lawsuit to hemophilia patients infected with HIV through blood plasma products; • Filipino Veterans Compensation Fund Payments: Lump sum payments (and interest from payments)

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	<p>made to certain veterans and spouses of veterans who served in the military of the Government of the Commonwealth of the Philippines during WWII;</p> <ul style="list-style-type: none"> • Japanese-American and Aleutian Restitution Payments (and interest from payments); • Payments made to individuals because of their status as victims of Nazi persecution (e.g., Austrian, German, and Netherlands Reparation Payments and interest from payments); • Payments to children born of Vietnam veterans diagnosed with spina bifida (and interest from payments); • Payments made under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (interest is not excluded); • Revenues from the Alaska Native Fund paid under section 21(a) of the Alaska Native Claims Settlement Act; • Radiation Exposure Compensation Trust Fund Payment; and • State funds paid to crime victims.
Sick/Disability Pay	<p>Countable.</p> <p>Sick or disability payments made by an employer 6 months or more after the last month the individual worked are considered unearned income in the month of receipt.</p> <p>Verify the amount and date of receipt of these payments using one of the following documents:</p> <ul style="list-style-type: none"> • Recent check stubs; or • Written statement from the employer or insurer indicating the amount of the payment, date paid and related information concerning continued payments.
Social Security Disability Benefit (SSDI)	<p>Countable.</p> <p>Social Security Disability Insurance (SSDI) is received when an individual is under the full retirement age of 65, but has enough Social Security Credits and a severe medical impairment that prevents her from working for a year or more, or could result in death.</p>

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Social Security Survivor or Retirement Benefit	<p>Countable.</p> <p>Social Security Retirement Benefits are received once an individual reaches the full retirement age of 65 and has enough Social Security Credits.</p> <p>Social Security Survivor's Benefits are received by a surviving spouse, dependent child or parent who received more than half of his support from the deceased wage earner.</p>
Social Services	<p>Excluded.</p> <p>A social service is any service (other than medical) which is intended to assist a handicapped or socially disadvantaged individual to function in society on a level comparable to that of an individual who does not have such a handicap or disadvantage.</p> <p>Cash received in conjunction with a social service is not income if it is for medical or social services already received or is restricted to the future purchase of a medical or social service. Social service programs include programs authorized under:</p> <ul style="list-style-type: none"> • Title XX of the Social Security Act; • Title IV-B of the Act (Child Welfare); • Title V of the Act (Maternal and Child Health and Crippled Children's Services); and • The Rehabilitation Act of 1973 including vocational rehabilitation services to handicapped individuals. <p>Food or shelter provided by a nongovernmental social services program is unearned income unless otherwise excluded (e.g., the food is provided during a medical confinement).</p>
Supplemental Security Income (SSI)	<p>Excluded.</p> <p>SSI is excluded unearned income.</p>
Temporary Assistance for Needy Families (TANF) Allotment	<p>Excluded.</p> <p>In Tennessee, the TANF program is known as Families First.</p>

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	TANF Allotment is cash assistance provided to families with dependent children when at least one parent is incapacitated, unemployed, deceased or absent from the home, and the family is unable to pay for essential living expenses.
Temporary Disability Insurance	Countable. Temporary Disability Insurance is countable as unearned income to the extent it is not a reimbursement for specific costs and is paid directly to the household.
Tips	Countable. Tips totaling less than \$20 in a calendar month from any one employer are countable as unearned income. See the <i>ABD Earned Income</i> policy for tips totaling more than \$20 in a calendar month.
Trusts	Dividends, interests, rents and other income generated by a trust fund, unless otherwise excluded, that can be paid to the beneficiary or to a third party on the beneficiary's behalf are countable income to the beneficiary for the period the fund is intended to cover, beginning the month the funds become available, regardless of whether the income is actually paid out to the beneficiary. When funds are withdrawn irregularly, the payments are countable in the month received. Monies withdrawn from the principal of an accessible (countable) trust fund are excluded as income to the beneficiary, because an accessible trust fund is a countable resource. Money cannot be considered income and a resource in the same month. Monies disbursed from the principal of an inaccessible trust fund are counted as income because an inaccessible trust fund is an excluded resource. Monies received by the trustee of a trust and used for the care and maintenance of a third party beneficiary (adult or child) are excluded as income for the trustee. See the <i>ABD Trusts</i> policy.

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Unemployment Insurance	<p>Countable.</p> <p>Count the full value of unemployment compensation benefits as available unearned income in the month of receipt. Unemployment compensation includes any amount you receive under an unemployment compensation law of the United States or a state.</p> <p>Verification</p> <p>If verification is required, verify the amount of unemployment benefits received with one of the following:</p> <ul style="list-style-type: none"> • Documentary evidence from the TN Department of Labor; • Access through data matches available; or • Documentary evidence from the state of issue of unemployment if benefits are from another state.
VA Aid and Attendance and Housebound Allowances	<p>Excluded.</p> <p>VA Aid and Attendance and Housebound allowances are payments made to a veteran, a veteran's spouse, a surviving spouse, or a surviving parent based on the individual's need of the aid of another person to perform functions required for everyday living, or if substantially confined to his immediate premises, due to permanent disability. Aid and Attendance and Housebound allowances cannot be received without some other form of VA payment.</p>
VA Apportioned	<p>Countable.</p> <p>An Apportioned benefit is a VA payment made to a dependent spouse, child or parent not residing with the veteran. The VA Apportioned amount is unearned income for the individual receiving the payment.</p>
VA Augmented Benefit	<p>Countable.</p> <p>A VA Augmented Benefit is an increase in payment to the veteran or his surviving spouse in order to provide for a dependent as defined by VA. An Augmented Benefit is unearned income to the dependent.</p>

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VA Disability	<p>Countable.</p> <p>VA Disability is a benefit paid to veterans with disabilities as a result of a disease or injury incurred or aggravated during active military service or that arises after service but is thought to be related to her service. The benefit is graduated according to the degree of the veteran's disability on a scale from 10% to 100%.</p>
VA Education Grant	<p>Excluded.</p> <p>A VA Education Grant is for a veteran who is in an approved program and provides up to 36 months of education benefits. These benefits are intended to provide assistance as follows:</p> <ul style="list-style-type: none"> • Tuition and fees; and • Annual books and supplies stipend. <p>If the veteran receives a stipend to assist with housing, the stipend is countable unearned income.</p>
VA Pension	<p>Countable.</p> <p>A VA Pension is the standard benefit received by a veteran for wartime service which is based on financial need, not on a service-connected disability.</p> <p>A VA Survivors Pension is paid to the low-income, unremarried surviving spouse and the unmarried child(ren) of a deceased veteran with wartime service.</p> <p>VA Pensions limited to \$90 per month are excluded. For additional information, please see the <i>Post-Eligibility Treatment of Income</i> policy.</p>
VA Survivor (DIC)	<p>Countable.</p> <p>VA Dependency and Indemnity Compensation (DIC) is a benefit paid to eligible surviving dependents, including the spouse, of service members who died while on duty or survivors of veterans who died from their service-connected illness or injury.</p>

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	Parents' DIC is an income-based benefit for parents who were financially dependent on a service member or veteran who died from a service-related cause.
Workers' Compensation	Countable. Payments an individual receives for occupational sickness or injury, and paid under a workers' compensation act or statute in the nature of the workers' compensation act, are countable to the extent that they are not an expense attributable to obtaining the compensation.

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Document Title	ABD Unearned Income				
First Published	04.17.2015				
Revision History					
Revision Date	Section	Section Title	Page Number(s)	Reason for Revision	Reviser
12.02.2015	2.	In-Kind Unearned Income or In-Kind Support and Maintenance	9	Policy Clarification	LW
11.01.2016	2.	ABLE Accounts	1	Policy Change	AJ
11.01.2016	2.	Annuity Payments	1	Policy Clarification	AJ
07.05.2017	2.	Military Allowances	12	Policy Clarification	RH
03.18.2019	2.	Achieving a Better Life Experience (ABLE), Child Support Arrearage, Child Support, Excluded Unearned Income, Irregular or Infrequent Income, Long Term Care Insurance (LTC) Payout, , Social Security Disability Benefit (SSDI), Social Security Survivor or Retirement Benefit, Social Services, Temporary Assistance for Needy Families (TANF) Allotment, VA Aid and Attendance and Housebound Allowances, VA Apportioned, VA Augmented Benefit, VA Disability, VA Education Grant, VA Pension, VA Survivor (DIC), Workers' Compensation	1-16	Policy Clarification	RZ
03.18.2019	2.	Tips	14	Policy Change	TN