

Step 5 shows that Kyle's earned income is within the limits allowed to claim the EIC. Step 6 indicates he will use the EIC Worksheet to figure the amount of the credit.

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Step 5 Earned Income

1. Figure earned income:

Form 1040A, line 7 _____

Subtract, if included on line 7, any:

- Taxable scholarship or fellowship grant not reported on a Form W-2.
- Amount received for work performed while an inmate in a penal institution (enter "PRI" and the amount subtracted to the left of the entry space for Form 1040A, line 7).
- Amount received as a pension or annuity from a nonqualified deferred compensation plan or a nongovernmental section 457 plan (enter "DFC" and the amount subtracted to the left of the entry space for Form 1040A, line 7). This amount may be shown in Form W-2, box 11. If you received such an amount but box 11 is blank, contact your employer for the amount received as a pension or annuity.

Add all of your nontaxable combat pay if you elect to include it in earned income. Also enter this amount on Form 1040A, line 40b. See *Combat pay, nontaxable* on this page.

+ _____



Electing to include nontaxable combat pay may increase or decrease your EIC. Figure the credit with and without your nontaxable combat pay before making the election.

Earned Income =

2. If you have:
- 2 or more qualifying children, is your earned income less than \$38,646 (\$41,646 if married filing jointly)?
 - 1 qualifying child, is your earned income less than \$33,995 (\$36,995 if married filing jointly)?
 - No qualifying children, is your earned income less than \$12,880 (\$15,880 if married filing jointly)?
- Yes.** Go to Step 6. **No.** You cannot take the credit.

Step 6 How To Figure the Credit

1. Do you want the IRS to figure the credit for you?
- Yes.** See *Credit figured by the IRS* below. **No.** Go to the worksheet on page 42.

Definitions and Special Rules

(listed in alphabetical order)

Adopted child. An adopted child is always treated as your own child. An adopted child includes a child lawfully placed with you for legal adoption.

Combat pay, nontaxable. If you were a member of the U.S. Armed Forces who served in a combat zone, certain pay is excluded from your income. See *Combat Zone Exclusion* in Pub. 3. You can elect to include this pay in your earned income when figuring the EIC. The amount of your nontaxable combat pay should be shown in box 12 of Form(s) W-2 with code Q. If you are filing a joint return and both you and your spouse received nontaxable combat pay, you can each make your own election.

Credit figured by the IRS. To have the IRS figure your EIC:

1. Enter "EIC" to the left of the entry space for Form 1040A, line 40a.
2. Be sure you enter the nontaxable combat pay you elect to include in earned income on Form 1040A, line 40b. See *Combat pay, nontaxable* above.
3. If you have a qualifying child, complete and attach Schedule EIC. If your EIC for a year after 1996 was reduced or disallowed, see *Form 8862, who must file* on page 41.

Exception to time lived with you. A child is considered to have lived with you for all of 2008 if the child was born or died in 2008 and your home was this child's home for the entire time he or she was alive in 2008. Temporary absences for special circumstances, such as for school, vacation, medical care, military service, or

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