

GARNISHMENT OF FEDERAL PAYME FOR CHILD SUPPORT OBLIGATION

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Payments Subject to Garnishment

Different Payment Types	Authority
Federal Employee Pay Moneys which are subject to garnishment include compensation payable for personal services of the individual, whether the compensation is denominated as wages, salary, commission, bonus, pay, allowances, or otherwise (including severance pay, sick pay, and incentive pay).	Section 459(h)(1)(A)(i) of the Social Security Act (the Act), 5 CFR 581.103(a)
Worker's Compensation and Other Benefits Worker's compensation benefits paid or payable under Federal or State law, benefits paid or payable under the Railroad Retirement System, and special benefits for certain World War II veterans payable under title VIII are subject to garnishment.	Section 459(h)(1) of the Social Security Act, 5 CFR 581.103(c)
Federal Pension, Retirement, Annuities and Similar Benefits Periodic benefits (including a benefit payable in a lump sum if it is a commutation of, or a substitute for, periodic payments as defined in section 228(h)(3) of the Act) or other payments under any system or fund established by the United States which provides for the payment of pensions, retirement or retired pay, annuities, dependents' or survivors' benefits, or similar amounts payable on account of personal services performed by any individual are subject to garnishment.	Section 459(h)(1)(A)(ii)(II) of the Act, 5 CFR 581.103(c)(1)
Armed Services Pay Moneys for the personal service of an obligor in the uniformed services of the United States is subject to garnishment for child support. In any case in which child support payments or child and spousal support payments are owed by a member of one of the uniformed services (as defined in section 101(3) of title 37, United States Code) on active duty, such member shall be required to make allotments from his pay and allowances (under chapter 13 of title 37, United States Code) as payment of such support, when he has failed to make periodic payments under a support order that meets the criteria specified in section 303(b)(1)(A) of the Consumer Credit Protection Act (15 U.S.C. 1673(b)(1)(A)) and the resulting delinquency in such payments is in a total amount equal to the support payable for two months or longer. Do not include any payment as allowances for members of the uniformed services payable pursuant to chapter 7 of title 37, United States Code, as prescribed by the Secretaries concerned (defined by section 101(5) of such title) as necessary for the efficient performance of duty as these payments are <u>not</u> subject to garnishment.	5 CFR 581.103(b) Section 465(a)(1) of the Act Section 459(h)(1)(B)(ii) of the Act
Social Security Benefits Under Title II Periodic benefits, including a benefit payable in a lump sum if it is a commutation of, or a substitute for, periodic payments as defined in section 228(h)(3) of title II of the Social Security Act may be garnished.	Section 459(h)(1)(A)(ii)(I) of the Act, 5 CFR 581.103(c)(1)

Federal "Black Lung" Benefits Periodic benefits (including a benefit payable in a lump sum if it is a commutation of, or a substitute for, periodic payments as defined in section 228(h)(3) of the Act) or other payments under any Federal program established to provide "black lung" benefits is subject to garnishment.	Section 459(h)(1)(A)(ii)(IV) of the Act, 5 CFR 581.103(c)(6)
Federal Death Benefits: Periodic benefits (including a benefit payable in a lump sum if it is a commutation of, or a substitute for, periodic payments periodic benefit as defined in section 228(h)(3) of the Act) or other payments as compensation for death under any Federal program are subject to garnishment.	Section 459(h)(1)(A)(ii)(III) of the Act, 5 CFR 581.103(c)(5)
Veteran Benefits Periodic benefits (including a benefit payable in a lump sum if it is a commutation of, or a substitute for, periodic payments as defined in section 228(h)(3) of the Act) or other payments by the Secretary of Veterans Affairs as compensation for a service-connected disability paid by the Secretary to a former member of the Armed Forces who is in receipt of retired or retainer pay if the former member has waived a portion of the retired or retainer pay in order to receive such compensation may be garnished. In such cases, only that part of the Department of Veterans Affairs payment that is in lieu of the waived retired pay or waived retainer pay is subject to garnishment. Special benefits for certain World War II veterans payable under title VIII of the Act may be garnished.	Section 459(h)(1)(A)(ii)(V) of the Act, 5 CFR 581.103(c)(7) Section 459(h)(1)(A)(v) of the Act

Payments Excluded from Garnishment

Different Payment Types	Authority
Supplemental Security Income (SSI) Benefits Supplemental Security Income (SSI) payments made pursuant to sections 1381 et seq., of title 42 of the United States Code (title XVI of the Social Security Act) are not subject to garnishment.	5 CFR 581.104(j)
Section 459 of the Social Security Act Moneys payable to an individual which are considered to be based upon remuneration for employment and subject to garnishment, do not include any payment: <ul style="list-style-type: none"> by way or reimbursement or otherwise, to defray expenses incurred by the individual in carrying out duties associated with the employment of the individual, as allowances for members of the uniformed services payable pursuant to chapter 7 of title 37, United States Code, as prescribed by the Secretaries concerned (defined by section 101(5) of such title) as necessary for the efficient performance of duty; or of periodic benefits under title 38, United States Code, except as provided in subparagraph (A)(ii)(V). In determining the amount of any moneys due from, or payable by, the United States to any individual, there shall be excluded amounts which— <ul style="list-style-type: none"> are owed by the individual to the United States; are required by law to be, and are, deducted from the remuneration or other payment involved, including Federal employment taxes, and fines and forfeitures ordered by court-martial; are properly withheld for Federal, State, or local income tax purposes, if the withholding of the amounts is authorized or required by law and if amounts withheld 	Section 459(h)(1)(B) of the Act Section 459(h)(2) of the Act

are not greater than would be the case if the individual claimed all dependents to which he was entitled (the withholding of additional amounts pursuant to section 3402(i) of the Internal Revenue Code of 1986 may be permitted only when the individual presents evidence of a tax obligation which supports the additional withholding);

- are deducted as health insurance premiums;
- are deducted as normal retirement contributions (not including amounts deducted for supplementary coverage); or
- are deducted as normal life insurance premiums from salary or other remuneration for employment (not including amounts deducted for supplementary coverage).

5 CFR 581.104 Moneys which are not subject to garnishment.

Moneys not subject to garnishment:

- Payments made pursuant to the provisions of the Federal Tort Claims Act, as amended, sections 1346(b) and 2671 et seq., of title 28 of the United States Code;
- Payments or portions of payments made by the Department of Veterans Affairs pursuant to sections 501–562 of title 38 of the United States Code, in which the entitlement of the payee is based on non-service-connected disability or death, age, and need;
- Refunds and other payments made in connection with overpayments or erroneous payments of income tax and other taxes levied under title 26 of the United States Code;
- Grants;
- Fellowships;
- Education and vocational rehabilitation benefits for veterans and eligible persons under chapters 30, 31, 32, 35, and 36 of title 38, United States Code, and chapters 106 and 107 of title 10, United States Code;
- Contracts, except where the contractor recipient performed personal services and received payments in his/her capacity as an employee of a governmental entity; and
- Reimbursement for expenses incurred by an individual in connection with his/her employment, or allowances in lieu thereof, and other payments and allowances, including, but not limited to:
 - In the case of civilian employees:
 - Uniform allowances;
 - Travel and transportation expenses (including mileage allowances);
 - Relocation expenses;
 - Storage expenses;
 - Post differentials;
 - Foreign areas allowances;
 - Education allowances for dependents;
 - Separate maintenance allowances;
 - Post allowances and supplementary post allowances;
 - Home service transfer allowances;
 - Quarters allowances;
 - Cost-of-living allowances (COLA), when applicable to an employee in a foreign area or an employee stationed outside of the continental United States or in Alaska;
 - Remote worksite allowance; and
 - Per diem allowances.
 - In the case of members of the uniformed services:
 - Position pay (Navy only);
 - Basic allowance for quarters;
 - Basic allowance for subsistence;
 - Station allowances;
 - Armed Forces health professions scholarship stipends;
 - Public Health Service scholarship stipends;
 - Travel and transportation allowances;
 - Dislocation allowances;
 - Family separation allowances;

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| <ul style="list-style-type: none">• ROTC subsistence allowance;• Allowance for recruiting expenses;• Education allowances for dependents;• Clothing allowances for enlisted personnel;• Uniform allowances; and• Personal money allowances for General and Flag officers, and for the Surgeon General of the United States.▪ In the case of volunteers serving under either the Domestic Volunteer Service Act or the Peace Corps Act, all allowances, including, but not limited to, readjustment allowances, stipends, and reimbursements for out-of-pocket expenses.• Moneys due a deceased employee obligor where the amounts are reimbursement for expenses incurred by the deceased employee in connection with his/her employment, or allowances in lieu thereof, including:<ul style="list-style-type: none">▪ Per diem instead of subsistence, mileage, and amounts due in reimbursement of travel expenses, including incidental and miscellaneous expenses in connection therewith;▪ Allowances on change of official station;▪ Quarters allowances; and▪ Cost-of-living allowances (COLA), when applicable as a result of the deceased employee obligor's having been in a foreign area or stationed outside of the continental United States or in Alaska.• Supplemental Security Income (SSI) payments made pursuant to sections 1381 et seq., of title 42 of the United States Code (title XVI of the Social Security Act). | |
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