



CCPA-67

October 26, 1976

This is in reply to your letter of September 14, 1976, with which you enclosed correspondence from *** of ***, in which he asks questions concerning the Federal Garnishment Law.

This law limits the amount of an employee's disposable earnings which may be garnished in any one week. Currently an employee with disposable earnings of \$69.00 or less a week from a single employer would not be subject to any garnishment.

The restrictions are applicable whether the employee works full-time or part-time. Also, the restrictions are considered to be separately applicable to each employer (garnishee). In the case cited in your constituent's letter, if the employee has two separate employers and earns \$69.00 per week from each of the jobs the employee's disposable earnings from each employer may not be garnished in any amount.

With respect to the second questions, the individual employed by "X" corporation with disposable earnings of \$69.00 per week would not be subject to garnishment in any amount. However, with regard to the \$800 retirement pay we wish to indicate that as long as the moneys sought to be garnished remain in the disbursing office of the Government, they belong to the Government, and are immune from execution and garnishment unless the United States waives its Governmental immunity (see *Buchanan v. Alexander*, 45 U.S. 20 (1846); *United States v. Krakover*, 377 f.2d 104 (C.A. 10, 1967); and *Lawhorn v. Lawhorn*, 351 F. Supp. 1399 (S.D. W.Va., 1972)). The United States Government, in PL 93-647, recently consented to garnishment of Federal employees' earnings for child support and alimony.

The enclosed WH Publication 1324 discusses the "Wage Garnishment Law". Also enclosed is a copy of public domain letter Number WH-110, dated January 7, 1972, which also discusses the subject matter of your inquiry.

Sincerely,

Ronald J. James
Administrator