

CCPA-11

June 12, 1970

This will reply to your letter of May 5, 1970, regarding section 304(a) of the Consumer Credit Protection Act in the following situation.

An employee's earnings are subjected to garnishment for one debt; the employee manages to have the garnishment released by the creditor although the debt remains unpaid. At a later date the same creditor has a new garnishment imposed against the employee's wages for the same debt. Does this mean that, because there is only one debt, section 304(a) would forbid the discharge of the employee? Does it mean that since one garnishment procedure was made effective, even though later voluntarily relinquished, the second garnishment for the same debt would not bar discharge under the Act?

Section 304(a) provides that, "No employer may discharge any employee by reason of the fact that his earnings have been subjected to garnishment for any one indebtedness". We consider the words "one indebtedness" as meaning a single debt, regardless of the number of levies made or the number of proceedings brought for its collection. Applying this rule to your question, the employer may not discharge the employee because there were merely successive levies pursuant to the same indebtedness.

Sincerely,

Robert D. Moran
Administrator