

CCPA-51

January 20, 1971

In your letter of December 29, 1970, you ask for clarification of our letter of December 18, 1970, (letter WH-104) and further state your view that Section 303(a) of the Consumer Credit Protection Act "permits up to 25% of . . . disposable earnings to be deducted for any garnishment subject to the Act."(emphasis supplied)

The wording of the statute makes it clear that the sum of all garnishments may not exceed the restrictions of Section 303(a) in a workweek. (" . . . the maximum part of the aggregate disposable earnings . . . which is subjected to garnishment may not exceed . . .). (emphasis supplied)

In the example you cite, given \$100 a week in disposable earnings, if the employer is under a court order to withhold \$30.00 a week from an employee's wages for child support payments, such amount is removed by Section 303(b) from the restrictions of Section 303(a). But it is nevertheless a "garnishment" as defined in Section 302(c), and since the allowable 25% of the disposable earnings has already been subjected to garnishment, no additional amount of the employee's earnings may be withheld pursuant to another garnishment.

Sincerely,

Robert D. Moran
Administrator