

FACT SHEET - #21

SUBJECT: Garnishment of Soldiers' Pay.

1. PURPOSE. To inform commanders of legislation authorizing involuntary allotments of military pay for judgments of indebtedness.

2. FACTS.

a. In October 1993, the President approved legislation that authorizes involuntary allotments of military pay for any judgments of indebtedness issued by a court (Public Law 103-94). Previously, military pay could only be garnished to satisfy child or spousal support and alimony. DoD Directive 1344.9, Oct 27, 1994, is the implementing regulation.

b. Creditors can now get courts to issue judgments of indebtedness so they can immediately apply for an involuntary allotment of the indebted soldier's pay (DO Form 2653, Involuntary Allotment Application).

3. A soldier with a legitimate indebtedness problem should be strongly encouraged to resolve the problem before the creditor obtains an involuntary allotment under the new garnishment regulation. A soldier who learns that a creditor is attempting to have a court issue a judgment on a debt should immediately seek legal assistance. If the soldier ignores a summons, a default judgment of indebtedness could be issued and the soldier's pay garnished.

4. The Soldier's and Sailor's Civil Relief Act provides the soldier certain protections against default judgments, but only if the soldier has not made an appearance before the court. Contacting the court in any way can be considered an appearance. A Legal Assistance attorney can advise a soldier on how to properly handle this matter.

5. If a soldier's command is served with a garnishment summons from a creditor, the commander should contact the Military Law and Ethics Division for assistance.

6. POC is the Military Law and Ethics Division at 4-7414.

Chief, Military Law and Ethics Division