

Headquarters  
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Wiesbaden, Germany

Army in Europe  
Regulation 37-8\*

Headquarters  
United States Army Installation Management Command  
Directorate–Europe  
Sembach, Germany

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Financial Administration  
German Garnishments

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\*This regulation supersedes AE Regulation 37-8, 18 June 2013.

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For the Commander:

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**Summary.** This regulation establishes responsibilities and procedures for complying with German garnishment orders.

**Summary of Change.** This revision—

- Updates the types of pay subject to garnishment ([para 5e](#)).
- Provides details regarding the amounts of pay that may be garnished ([para 5f](#)).

**Applicability.** This regulation applies to Soldiers stationed in Germany.

**Records Management.** Records created as a result of processes prescribed by this regulation must be identified, maintained, and disposed of according to AR 25-400-2. Record titles and descriptions are available in the Army Records Information Management System at <https://www.arims.army.mil>.

**Supplementation.** Organizations will not supplement this regulation without the approval of the Military Personnel and Plans Division, Office of the Deputy Chief of Staff, G1, HQ USAREUR.

**Suggested Improvements.** The proponent of this regulation is the Military Personnel and Plans Division, Office of the Deputy Chief of Staff, G1, HQ USAREUR (mil 537-3935). Users may send suggested improvements to this regulation by e-mail to the USAREUR G1 (AEPE-M) at *usarmy.badenwur.usareur.mbx.odcs-g1-mil-pay@mail.mil*.

**Distribution.** This pamphlet is available only electronically and is posted in the Army in Europe Library & Publishing System at <http://www.eur.army.mil/aepubs/>.

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### Glossary

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### SECTION I INTRODUCTION

#### 1. PURPOSE

This regulation—

a. Prescribes responsibilities and procedures for garnishing Soldier pay for child or spousal support as directed by German courts.

b. Defines responsibilities and procedures for complying with the German Supplementary Agreement (SA) to the NATO Status of Forces Agreement (SOFA) and German laws.

#### 2. REFERENCES

a. German SA to the NATO SOFA.

b. 42 United States Code 659, Consent by United States to Income Withholding, Garnishment, and Similar Proceedings for Enforcement of Child Support and Alimony Obligations.

c. AR 37-104-4, Military Pay and Allowances Policy.

d. Kaiserslautern Legal Services Center Legal Assistance Information (available at the Legal Assistance Center on Kleber Kaserne, bldg 3210, rm 102; mil 314-483-8848).

### **3. EXPLANATION OF ABBREVIATIONS AND TERMS**

The [glossary](#) defines abbreviations and terms.

## **SECTION II RESPONSIBILITIES AND PROCEDURES**

### **4. GENERAL**

The unit commander; the International Law and Operations Division (ILOD), Office of the Judge Advocate (OJA), HQ USAREUR; and the Pay Center of Excellence (PCE), 266th Financial Management Support Center (266th FMSC), are responsible for—

- a. Ensuring that the rights of Soldiers are not violated.
- b. Complying with the German SA to the NATO SOFA and German laws.

### **5. INTERNATIONAL LAW AND OPERATIONS DIVISION, OFFICE OF THE JUDGE ADVOCATE, HQ USAREUR**

**a. Receipt of Garnishment Order.** German courts send garnishment orders to the ILOD.

**b. Identity of Debtor.**

(1) The ILOD will use the following information in the USAREUR Personnel Database (UPDB) to identify the Soldier:

- (a) Name.
- (b) Social Security number (SSN).
- (c) Unit.
- (d) Army post office (APO).

(2) If the Soldier—

(a) Is not listed in the UPDB but the garnishment order identifies the unit, an ILOD representative will call the Soldier's unit commander or the PCE to find out whether or not the Soldier is still in Germany.

(b) Cannot be identified, the ILOD will return the garnishment order to the German court.

**c. Garnishment Order.**

(1) If the Soldier is identified in the garnishment order, the ILOD will determine if the initiating document was served through the ILOD as required by Article 32 of the German SA to the NATO SOFA.

(2) If the initiating document was not served through the ILOD, the ILOD will return the garnishment order to the German court. If the ILOD determines that serving the document in accordance with Article 32 of the German SA to the NATO SOFA was not required (for example, the initiating document was served on the debtor in CONUS, the debtor voluntarily acknowledged paternity), the ILOD will send the initiating document to the Military Pay Branch, PCE, 266th FMSC, Unit 23122, APO AE 09054-3122.

(3) If the initiating document was served through the ILOD and the Soldier is still stationed in Germany, the ILOD will review the garnishment order for compliance with German law.

**d. Garnishment Order in Compliance With German Law.** If the ILOD determines that the garnishment is in compliance with German law, the ILOD will send the garnishment order, its English translation, and a request to begin garnishment to the Military Pay Branch, PCE, 266th FMSC, Unit 23122, APO AE 09054-3122.

**e. Types of Pay Subject to Garnishment.** The following types of pay are subject to garnishment:

- (1) Accrued leave payments.
- (2) Base pay.
- (3) Basic allowance for subsistence.
- (4) Basic allowance for housing.
- (5) Family separation allowance.
- (6) Special pay.
- (7) Inactive duty training pay.
- (8) Incentive pay.
- (9) Lump-sum reserve bonuses.
- (10) Readjustment pay.
- (11) Retainer pay.
- (12) Retired pay.
- (13) Severance pay.
- (14) Station allowances, clothing allowances—enlisted.

**f. Amounts of Garnishment.** As a general rule, a maximum of 50 percent of the garnishable net pay is taken if the Soldier is supporting a spouse or dependent child other than the spouse or dependent child whose support is required through the garnishment order. This amount is increased to 60 percent if the Soldier is not supporting another spouse or dependent child. An additional 5 percent is added to the 50 percent or to the 60 percent, as applicable, if arrears exist.

## **6. MILITARY PAY BRANCH, PAY CENTER OF EXCELLENCE, 266TH FINANCIAL MANAGEMENT SUPPORT CENTER**

**a. Preparation for Payment of Garnishment.** The Military Pay Branch will—

- (1) Receive the garnishment order from the ILOD.
- (2) Record receipt of garnishment orders in a garnishment control log.
- (3) Date-stamp information when received.
- (4) Immediately inform the ILOD POC by telephone or e-mail concerning the action taken.
- (5) Prepare a garnishment-action suspense folder and file one copy of the order in it.
- (6) Within 5 workdays after receiving the garnishment order, confirm that the Soldier is currently stationed in Germany.
- (7) Prepare a spreadsheet that includes the following information:
  - (a) Name of payee.
  - (b) Grade of payee.
  - (c) Child's name, if the garnishment is for child support.
  - (d) Case number.
  - (e) Mailing address of payee.
  - (f) Street address of payee.
  - (g) Euro amount.
- (8) Send a completed copy of the spreadsheet to the ILOD and a copy to the Supervisor, Cash Management Section, 266th FMSC.
- (9) Respond to inquiries from the ILOD within 7 workdays after receiving the inquiry or provide an interim response to the ILOD when more than 7 workdays will be needed to prepare a detailed response.

**b. Monthly Payment of Garnishments.** The Military Pay Branch will—

(1) Enter the monthly garnishment amount into the Defense Joint Military Pay System (DJMS) by the 7th calendar day of each month to ensure rejected collection actions can be resubmitted.

(2) Ensure that collections are processed before the end-of-month cutoff.

(3) Notify the Soldier's unit commander immediately if a rejected collection action cannot be resubmitted. This information will be recorded on a local garnishment worksheet and kept in the garnishment-action suspense folder.

(4) Make a printout of each Soldier's leave and earnings statement to verify that the monthly collection was processed. The printout will also be used to compute the maximum amount available for the following month.

(5) Inform the Cash Management Section when the electronic fund transfer (EFT) payment may be processed ([para 7](#)).

(6) Continually monitor DJMS for any change in the Soldier's DEROS, separation date, expiration term of service (ETS), or anything else that would affect availability for garnishment (for example, promotion, reduction, Uniform Code of Military Justice court-martial or Article 15 forfeiture, receipt of bonus or accrued leave payment).

(7) Check DJMS every month to ensure the Soldier has not started any allotments that would cause the Soldier to be over-allotted.

**c. Separation Pay.** Separation pay is subject to garnishment. When the Military Pay Branch receives notice of a Soldier's impending separation or DEROS, or the Soldier's date of discharge or DEROS is other than the ETS date recorded on the Master Military Pay Account, the Military Pay Branch must immediately notify the Defense Finance and Accounting Service (DFAS). The DFAS will also be notified when the Soldier is under a court order or has been under a court order within the preceding 3 calendar months.

## **7. CASH MANAGEMENT SECTION, 266TH FINANCIAL MANAGEMENT SUPPORT CENTER**

**a.** The Cash Management Section will—

(1) Prepare the EFT payment in euros payable to the creditor for the amount on the spreadsheet provided by the Military Pay Branch.

(2) Verify the foreign currency rate for the EFT payments.

**b.** The Cash Management Section will not release garnishment payments until notification is received from the Military Pay Branch that all collections were processed by DJMS. This will allow enough time to stop a payment if a Soldier has separated from active duty.

## 8. UNIT COMMANDERS

The Soldier's commander will—

a. Reply to inquiries from the ILOD and the PCE.

b. Ensure the following:

(1) The Soldier receives the garnishment order from the ILOD.

(2) A response to the memorandum of notification is sent to the ILOD by the suspense date. The response will list the following:

(a) The Soldier's DEROS and ETS.

(b) Confirmation that the Soldier has been counseled as required by the memorandum of notification.

(c) The name and telephone number of a POC.

(3) The PCE is notified if the Soldier receives any of the following:

(a) Change in ETS date.

(b) Change in DEROS.

(c) Receipt of permanent change of station (PCS) orders.

(d) Notification of a port call and date of departure from Europe.

## 9. SOLDIERS

After being notified of the garnishment, Soldiers will—

a. Inform the DFAS of anything that would affect payment of garnishment immediately after acquiring the information.

b. Notify the DFAS immediately of the following:

(1) Change in ETS.

(2) Change in DEROS.

(3) Receipt of PCS orders.

(4) Notification of a port call and date of departure from Europe.

c. Contact the servicing legal assistance office or a German attorney if grounds exist to contest the garnishment.

## GLOSSARY

### SECTION I ABBREVIATIONS

266th FMSC	266th Financial Management Support Center
AEPUBS	Army in Europe Library & Publishing System
APO	Army post office
AR	Army regulation
CONUS	continental United States
DEROS	date eligible for return from overseas
DFAS	Defense Finance and Accounting Service
DJMS	Defense Joint Military Pay System
EFT	electronic fund transfer
ETS	expiration term of service
HQ USAREUR	Headquarters, United States Army Europe
ILOD	International Law and Operations Division, Office of the Judge Advocate, Headquarters, United States Army Europe
NATO	North Atlantic Treaty Organization
OJA	Office of the Judge Advocate, Headquarters, United States Army Europe
PCE	Pay Center of Excellence, 266th Financial Management Support Center
PCS	permanent change of station
POC	point of contact
SA	supplementary agreement
SOFA	Status of Forces Agreement
SSN	Social Security number
UPDB	United States Army Europe Personnel Database
USAREUR	United States Army Europe

### SECTION II TERMS

#### **garnishment**

A legal process for enforcing child-support and alimony obligations

#### **garnishment-action suspense folder**

The folder of a Soldier whose wages are being garnished. The folder is labeled with the Soldier's full name and Social Security number and is maintained by the Military Pay Branch, Pay Center of Excellence, 266th Financial Management Support Center.

#### **garnishment control log**

A log kept by the Military Pay Branch, Pay Center of Excellence, 266th Financial Management Support Center, to record receipt of transmittal memorandums from the International Law and Operations Division, Office of the Judge Advocate, HQ USAREUR

#### **garnishment order**

A German court order requiring garnishment of wages. The order is written in German and includes an English translation.

#### **initiating document**

A document initiating noncriminal proceedings before a German court against a Soldier that results in a garnishment order