

Question: Can SSA disability benefits be garnished?

CWICs will occasionally encounter beneficiaries who asked about the ability of finance companies to "attach" or "garnish" Social Security benefits. It may a sign of our times and how bad our economy is that this question has come up so much recently. Beneficiaries may encounter some aggressive finance companies or collection agencies threatening them with garnishment.

The answer to the question is no. Go to

<https://secure.ssa.gov/apps10/poms.nsf/lnx/0202410001> for the POMS citation on this.

Section 207 of the Social Security Act (42 U.S.C 407) states: "The right of any person to any future payment under this title shall not be transferable or assignable, at law or in equity, and none of the monies paid or payable or rights existing under this title shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law."

Section 207(b) does allow for express exceptions to be made to the general provisions of section 207(a). The exceptions are for:

- Internal Revenue Service (IRS) levy to collect unpaid federal taxes (see [GN 02410.100](#))
- Garnishment to enforce child support and/or alimony obligations (see [GN 02410.200](#))
- Reimbursement to the States for interim assistance to SSI recipients (see [SI 02003.001](#))

There are other debts people can owe to federal agencies that can also be collected by garnishing title II payments, such as certain defaulted student loans owed to the Federal Department of Education, home loans owed to Veteran's Administration and food stamp over-payments owed to the Food and Nutrition Service. SSA refers to this as Benefit Payment Offset or BPO. The Debt Collection Improvement Act of 1996 (P.L. 104-134) authorized Benefit Payment Offset (BPO). The Debt Collection Improvement Act (DCIA) requires federal-disbursing agencies to offset federal payments to collect delinquent non-tax debts owed to the federal government.

Here is the POMS citation discussing this issue:

<https://secure.ssa.gov/apps10/poms.nsf/lnx/0202410300>

Remember that SSI is not even allowed to be garnished for the reasons stated above - only the title II payments can be garnished for these reasons.