

The order below is hereby signed.

Signed: October 20, 2008.



S. Martin Teel, Jr.
S. Martin Teel, Jr.
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLUMBIA

In re)
)
KHADIJA DUMA,) Case No. 08-00379
) (Chapter 7)
Debtor.) **Not for Publication in**
) **West's Bankruptcy Reporter**

MEMORANDUM DECISION AND ORDER GRANTING
APPLICATION FOR WAIVER OF THE FILING FEE

The debtor, Khadija Duma, has filed an application for waiver of the chapter 7 filing fee (Docket Entry ("DE") No. 54, filed October 2, 2008). Pursuant to 28 U.S.C. § 1930 as amended by § 418 of the Bankruptcy Abuse Prevention & Consumer Protection Act of 2005, Pub. L. 109-8 (effective October 17, 2005), this court

may waive the filing fee in a case under chapter 7 of title 11 for an individual if the court determines that such individual has income less than 150 percent of the income official poverty line . . . applicable to a family of the size involved and is unable to pay that fee in installments.

28 U.S.C. § 1930(f)(1).

The debtor's application reflects that she is from a two-person household and that she has a combined monthly income of

approximately \$1,400.00, or \$16,800.00 per annum. This figure is less than 150% of the applicable poverty guideline figure maintained by the Department of Health and Human Services for a two-person household living in the District of Columbia.¹ Thus, the debtor has met the first requirement for waiver under 28 U.S.C. § 1930.

To qualify for waiver of the filing fee, the debtor must also demonstrate that she is unable to pay the fee in installments. The debtor's application reflects a monthly income of \$1,400.00 and expenses of approximately \$2,400.00, leaving the debtor without sufficient funds to meet her monthly expenses and with no monthly disposable income. It further appearing that the debtor does not have any non-essential exempt assets from which she can pay the fee in installments, the court concludes that the debtor is unable to pay the filing fee in installments.

The debtor having already paid \$54.00 of the filing fee as well as a \$25.00 fee to convert this case to a case under

¹ Section 1930(f) specifies that the "official poverty line" figures used for purposes of the chapter 7 fee waiver refer to those "defined by the Office of Management and Budget ["OMB"], and revised annually in accordance with [§] 673(2) of the Omnibus Reconciliation Act of 1981" The Judicial Conference of the United States interprets this language to refer to the poverty guidelines maintained annually by the U.S. Department of Health and Human Services ("HHS") because the OMB has never issued poverty guidelines or thresholds. Under the 2008 HHS guidelines, the poverty line for a two-person family living in the District of Columbia is \$14,000.00 per year, making 150% of the applicable poverty line \$21,000.00. The debtor's stated income falls below this threshold.

chapter 7, it is

ORDERED that the debtor's application for waiver of the chapter 7 filing fee (DE No. 54) is GRANTED such that the debtor is excused from paying the remaining balance of the filing fee.

[Signed and dated above.]

Copies to:

Debtor; Chapter 7 trustee; Office of the United States Trustee.