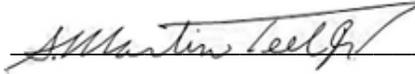The document below is hereby signed.

Signed: November 26, 2008.

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

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLUMBIA

In re   )
)
MARGARET CECELIA CARAWAY   )   Case No. 08-00715
HOLMES,   )   (Chapter 7)
)   **Not for Publication in**
                Debtor.   )   **West's Bankruptcy Reporter**

MEMORANDUM DECISION AND ORDER GRANTING MOTION FOR RECONSIDERATION
AND GRANTING APPLICATION FOR WAIVER OF THE CHAPTER 7 FILING FEE

On November 6, 2008, the court entered a memorandum decision and order denying the debtor's application for waiver of the chapter 7 filing fee (Docket Entry ("DE") No. 21). The court denied the debtor's application because the debtor's stated monthly income of $2,500.00, or $30,000.00 per annum, exceeds 150% of the applicable poverty guideline for a one-person household in the District of Columbia. Likewise, based upon the debtor's stated monthly expenses of $2,370.00, the court determined that the debtor was able to pay the fee in installments. Accordingly, the court found that the debtor was not eligible for waiver of the filing fee.

The debtor has filed a Motion for Reconsideration of Order Denying Waiver of the Filing Fee (DE No. 32, filed Nov. 19,

2008). In her motion, the debtor explains that she has

experienced a sharp decline in income. In support of her motion,

she has attached bank records and an amended Schedule I

reflecting monthly income of $1,017.00. The court will grant the

debtor's Motion for Reconsideration for the following reasons.

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, as amended by her Motion for

Reconsideration, reflects that she is from a household of one and

that she has a combined monthly income of $1,017.00, or

$12,204.00 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 one-person household living in

the District of Columbia.[1] Thus, the debtor has satisfied 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, as amended by her Motion
for Reconsideration, reflects a monthly income of $1,017.00 and
expenses of $2,370.00, leaving the debtor without any monthly
disposable income from which to pay the filing fee in
installments. It is thus

ORDERED that the debtor's Motion for Reconsideration (DE No.
32) is GRANTED. It is further

ORDERED that the debtor's application for waiver of the
chapter 7 filing fee (DE No. 10), as amended by the debtor's
Motion for Reconsideration (DE No. 32) is GRANTED.

[Signed and dated above.]

Copies to: Debtor; Chapter 7 Trustee; Office of United States
Trustee.

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[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 one-person family living in
the District of Columbia is $10,400.00 per year, making 150% of
the applicable poverty line $15,600.00. The debtor's stated
income does not exceed this threshold.