

The document below is hereby signed.

Signed: May 21, 2009.



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

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLUMBIA

In re)	
)	
DAWN YOLANDA MIXON,)	Case No. 09-00237
)	(Chapter 7)
Debtor.)	Not for Publication in
)	West's Bankruptcy Reporter

MEMORANDUM DECISION AND ORDER GRANTING DEBTOR'S APPLICATION FOR WAIVER OF THE CHAPTER 7 FILING FEE

The debtor has filed an application for waiver of the chapter 7 filing fee (Docket Entry No. 4). As explained in more detail below, the court will grant the application for waiver.

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).

Although the debtor's application failed to state the debtor's combined monthly income (stating only that the debtor's

dependents have no monthly net income), the debtor has clarified in a subsequent filing (DE No. 20) that she has no monthly income. 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. According to the debtor's application, the debtor has no expenses, but given her lack of income, she is still left without any monthly disposable income from which to pay the filing fee in installments. It is thus

ORDERED that the debtor's application for waiver of the chapter 7 filing fee (DE No. 4) is GRANTED.

¹ The debtor's application fails to specify the size of the debtor's family. For purposes of disposing of the debtor's application, however, the court will assume that the debtor has no dependents. 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 2009 HHS guidelines, the poverty line for a one-person family living in the District of Columbia is \$10,830.00 per year, making 150% of the applicable poverty line \$16,245.00. The debtor's stated income does not exceed this threshold.

