

The document below is hereby signed.

Signed: June 12, 2009.



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

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF COLUMBIA

In re )  
 )  
WILSON RICE, JR., ) Case No. 09-00481  
 ) (Chapter 7)  
Debtor. ) **Not for Publication in**  
 ) **West's Bankruptcy Reporter**

MEMORANDUM DECISION AND ORDER GRANTING  
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 ("DE") No. 3). For reasons explained in more detail below, the court will grant the debtor's application.

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 he is from a one-

person household and that he currently has a combined monthly income of \$2,700.00. His application also reflects, however, that as of June 2009, the debtor's income will be reduced to \$1,200.00, leaving him with annualized income of \$15,900.00.<sup>1</sup> 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, as required for waiver.<sup>2</sup>

To qualify for waiver of the filing fee, the debtor must also demonstrate that he is unable to pay the fee in installments. According to the debtor's application, the debtor has current expenses of \$1,215.00, which are expected to increase to \$1,715.00 by the end of June. Although he theoretically has \$1,485.00 in disposable monthly income from June from which to pay the filing fee, starting in July, the debtor's expenses will

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<sup>1</sup> This figure assumes one month of income at the current level of \$2,700.00, with the remaining months at \$1,200.00.

<sup>2</sup> 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 per year, making 150% of the applicable poverty line \$16,245. The debtor's stated income is below this threshold.

exceed his income by \$515.00. Given the impending substantial reduction in the debtor's income and a corresponding increase in expenses that will, on a forward going basis, leave the debtor without any monthly disposable income, the court finds that the debtor is unable to pay the fee in installments. It is thus

ORDERED that the debtor's application for waiver of the chapter 7 filing fee (DE No. 3) is GRANTED.

[Signed and dated above.]

Copies to:

Debtor; Debtor's Attorney; Chapter 7 Trustee; Office of United States Trustee.