

The document below is hereby signed.

Signed: September 14, 2009.



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

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLUMBIA

In re)
)
LaQUITA RODGERS,) Case No. 09-00790
) (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 **Not for Publication in**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 (Dkt. No. 7). 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 she is from a two-

person household and that she currently has a combined monthly income of \$336.00 or \$4,032.00 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, as required for waiver.¹

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 current expenses of \$336.00, leaving the debtor with only \$6 in monthly disposable income. Federal Rule of Bankruptcy Procedure 1006 allows for the paying of filing fees in installments. However, this rule provides that installments can only be made over a period of 120 days, in a maximum of four installments. Over the course of four months, the debtor would only have \$36 in disposable income with which to pay the fee. The filing fee in a chapter 7 case is \$299. Accordingly, the

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 2009 HHS guidelines, the poverty line for a two-person family living in the District of Columbia is \$14,570.00 per year, making 150% of the applicable poverty line \$21,855.00. The debtor's stated income is below this threshold.

