

The order below is hereby signed.

Signed: September 22, 2009.



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

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLUMBIA

In re)	
)	
LASHAWNE C. GATES,)	Case No. 09-00810
)	(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	Not for Publication in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. 4). For the reasons explained below, the court grants the debtor's application.

Section 1930 of United States Code Title 28, as amended, grants this court the power to

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 states that she is from a two-person household that has a combined monthly income of \$855.21 or \$10,252.52 per

year. This is less than 150% of Health and Human Services' poverty guideline figure 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 cannot pay the fee in installments. The debtor discloses current monthly expenses of \$1,904.00, leaving her without any monthly disposable income with 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 (Dkt. No. 4) is GRANTED.

[Signed and dated above.]

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

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.