

The order below is hereby signed.

Signed: September 29 2014



A handwritten signature in black ink, appearing to read "S. Martin Teel, Jr.", written over a horizontal line.

S. Martin Teel, Jr.
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLUMBIA

In re)	
)	
ANTONETTE YVONNE JEFFERSON,)	Case No. 14-00565
)	(Chapter 7)
Debtor.)	Not for Publication in
)	West's Bankruptcy Reporter

MEMORANDUM DECISION AND ORDER DENYING REQUEST FOR WAIVER OF THE
PREPETITION CREDIT COUNSELING REQUIREMENT BASED UPON EXIGENT
CIRCUMSTANCES AND TO SHOW CAUSE WHY CASE OUGHT NOT BE DISMISSED

The debtor has filed an application for waiver of the prepetition credit counseling requirement of 11 U.S.C. § 109(h) due to exigent circumstances. In support of her request, the debtor explains that she attended a bankruptcy seminar held at the United States Bankruptcy Court, that she engaged in "self-study" concerning credit counseling, and that she conducted a budget analysis, apparently on her own. For reasons explained in more detail below, the court will deny the debtor's request for a waiver of the prepetition credit counseling requirement of 11 U.S.C. § 109(h).

Section 109(h) of 11 U.S.C. provides that all individuals filing for bankruptcy must obtain an individual or group briefing

that outlines the opportunities for available credit counseling and assists the individual in performing a related budget analysis from an approved non-profit budget and credit counseling agency during the 180-day period ending on the date of filing of the individual's petition. 11 U.S.C. § 109(h)(1). Pursuant to 11 U.S.C. § 109(h)(3)(A), the court can waive this requirement temporarily if (i) the debtor certifies that there are exigent circumstances that merit a waiver of the credit counseling requirement, (ii) the debtor certifies that she requested credit counseling services from an approved non-profit budget and credit counseling agency before she filed her petition, but was unable to obtain the necessary services within seven days of the request, and (iii) the debtor's certification is satisfactory to the court.

This limited extension is available only to debtors who attempt to obtain credit counseling shortly before the petition date, who face some obstacle in obtaining that counseling, and who, due to emergency circumstances, must file their petition before the requested counseling can be completed.¹ The debtor here has not identified any exigent circumstance that prevented

¹ The court notes that the Bankruptcy Code allows only for a temporary waiver of the requirement, not a permanent waiver, as requested by the debtor. Although some debtors are entitled to an exemption due to incapacity, disability, or active military duty in a combat zone, the debtor here has not alleged that she is eligible for such an exemption.

