

The document below is hereby signed.

Signed: December 6, 2017



S. Martin Teel, Jr.

S. Martin Teel, Jr.
United States Bankruptcy Judge
UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLUMBIA

In re)	
)	
CHARLENE MARIE DAVIS,)	Case No. 17-00631
)	(Chapter 7)
Debtor.)	Not for Publication in
)	West's Bankruptcy Reporter.

MEMORANDUM DECISION AND ORDER DENYING
MOTION TO RECONSIDER ORDER DENYING DEBTOR'S
APPLICATION FOR WAIVER OF CHAPTER 7 FILING FEE

The debtor has filed a motion to reconsider (Dkt. No. 21) the court's order denying the debtor's application for a waiver of the chapter 7 filing fee (Dkt. No. 14). Under 28 U.S.C. 1930(f):

the bankruptcy 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 (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved and is unable to pay that fee in installments.

While this statute grants bankruptcy courts the discretion to grant or deny a waiver of the filing fee, *In re Yelverton*, No. 09-00414, 2013 WL 6038243, at *3 (Bankr. D.D.C. Nov. 14, 2017), that discretion is limited only to cases under chapter 7, where

the court determines that the individual (1) "has income less than 150 percent of the income official poverty line . . . applicable to a family of the size involved" , and (2) "is unable to pay that fee in installments."

Here, the debtor represents that she earns an income between \$5,225 and \$2,612 in a 28 day period. If the court looks at the lower sum, the debtor has an annualized income of \$34,049.29.¹ The applicable poverty guideline for the District of Columbia for a two-person household² is \$16,240 a year, which means that 150 percent of the applicable poverty guideline would be \$24,360.³ The debtor's annual income far surpasses 150 percent of the income official poverty line. Therefore, the debtor does not qualify for a waiver of her filing fees. It is thus

ORDERED that the debtor's motion to reconsider the court's denial of the debtor's application for a waiver of chapter 7 filing fee (Dkt. No. 21) is DENIED.

[Signed and dated above.]

Copies to: Debtor; recipients of e-notification of orders.

¹ This sum is calculated by dividing the debtor's 28-day pay period from a 365 day year to obtain 13.0357 pay periods in a year. Multiplying that pay period by the debtor's lower sum of \$2,612 equals an annual sum of \$34,049.29.

² The debtor indicates on her application that she has one dependent and a household of two people.

³ The poverty guidelines for 2017 are located at <https://aspe.hhs.gov/poverty-guidelines>.