**Arguments**

The plaintiff, Alexandra, files a motion seeking to relinquish an order of dismissal. However, the case is rejected because as a debtor, Alexandra had initially failed to file a certificate as required under the United States Constitution. In her argument, she claims that she had indeed filed the certificate but after a request to terminate had been presented. Moreover, she also argued that her inability to present the certificate at the right time should be exempted given that she did not have an attorney who could have advised her accordingly. Furthermore, she also claimed that despite having received the credit counseling update on the time she filed for her bankruptcy, she had it once the case was filed.  Referring to section 109 (h) (1) of Chapter 13, under the constitution, she argued that since it is required that a person is supplied with a credit counseling before filing for bankruptcy, she was not qualified to continue in bankruptcy, and as such, her case’s dismissal was necessary regardless of the time when a certificate was filed.

In her defense for failing to file the certificate at the appropriate time, she argued that since she was not knowledgeable with legal matters, she had assumed it was right to file afterward. She also argued that her process of acquiring the required certificate had even begun way early before filing for her bankruptcy case. However, she claimed that she did not manage to successfully complete its process and get the briefing until later. Additionally, she also maintained that an official at the bankruptcy clerk’s office had misled her that it was acceptable to proceed without first having the certificate. Two weeks later, after filing her case, the standing trustee, now the case’s defendant, also moved to court seeking to block it based on the fact that Alexandra did not meet the requirements of the constitution. According to the standing trustee, Alexandra did not file the required certificate as outlined in Chapter 13.

The defendant further accused Alexandra of filing the certificate a week later, which was long overdue. According to the defendant, while Alexandra sought a more liberal rationale in filing a motion and claiming she did was not well-versed in legal issues, it was her obligation to contract the services of an expert to advise her accordingly. For the defendant, the plaintiff has grossly violated section 521 of the Bankruptcy Requirement, which provides the processes for assuring a bankruptcy case filing that can sustain the motion to dismiss. Here, as argued by the defendant, an eligibility threshold must be met, and therefore, Alexandra had failed. Specifically, the defendant appealed, that under Chapter 13, one is supposed to engage in pre-bankruptcy briefing and file with the court a proof of completion of this requirement, which Alexandra did not accomplish. In this regard, the defendant proposed that since failure to secure the counseling prior to filing the motion meant absolute violation, Alexandra’s case lacked eligibility.

**The Court’s Rationale/Reasoning**

The plaintiff’s eligibility largely depended on the application of Section 109 (h) (1). Under this Section, the law demands that a briefing must be received within the 180-day deadline, especially ending on the date of filing a case. It equally stipulates that if an individual does not receive such briefing within the given time, he or she is not a debtor. It also continues to say that when an individual qualifies as a debtor to file a certain case, then the one who has not obtained a briefing, including the debtor, may not eligible to file such a motion. The court also relied on the outcome of Jackson’s case, where a determination had been made that for one to file a case, he or he must have received a briefing before filing a case. Adopting the strict and statutory language in Jackson’s case, the court also held that a successful briefing must precede a case’s filing in the Federal Court.

Another rationale for rejecting Alexandra’s case was based on Jackson’s interpretation. Here, court’s interpretation under Section 109 (h) (1) was that a non-debtor could seek a bankruptcy motion and become a debtor later. According to this understanding, the rationale was that a person might be permitted the status of might-become debtor, suggesting to someone who could receive briefing and who is not a debtor at the moment of filing but has a greater potential of transforming into a debtor through obtaining a briefing before the expiry of the set deadline. Moreover, while this approach might be regarded as contradicting the concept of a ‘debtor’ as set out in the Code, Section 103 (13) puts it clearly that it is an individual whose case has been started. Moreover, when considered under Section 109 (h)(1), and takin the place of the word ‘debtor,’ it suggests that one can only be regarded eligible after receiving the appropriate briefing.

The court also reasoned that while the current version of Section 109 (h) (1) was introduced in the year 2010, it hassignificantly helped to resolve several cases as well as disputes, allowing briefing to precede case filing. The court also thought that the new version of Section 109 (h) (1) could not be understood as contradicting or reversing the requirements set under Section 109 (h) (1). As such, both the new and old version of Section 109 (h) (1) demanded that an individual filing for bankruptcy must have obtained briefing before filing any particular case. Based on the above background, the court clearly determined that Alexandra had failed to meet the fundamental requirements under Section 109 (h) (1). It also argued that though she had initiated the process of receiving it, she did not pursue it to completion, and therefore, lacked the proper certificate that could facilitate her case.

The court equally argued that the advice received from the employee at the bankruptcy clerk’s office only functioned as a suggestion and that it could not nullify the effect of the requirements set in law. In his holding, the bankruptcy court judge also argued that the plaintiff had apparently started the process the same day when her Chapter 13 motion was filed and even before her petition was approved for filing. From the above discussion, it is evident that the eligibility to be a debtor in such as a case pegs several matters of concern under the United States’ bankruptcy laws. During this case’s determination, it is also evident that the judge had based her reasoning on several sections of the country’s Bankruptcy Code, including Section 1334, 157 (a), 157 (b) (1), 109 (h) (1), 109 (h),  as well as 111 (a). All these sections provides the necessary framework for making the most reasoned, yet informed decision about cases relating to bankruptcy.