

United States Court of Appeals  
For the Eighth Circuit

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No. 13-3104

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In re: Chelsea Ann Conway

*Debtor*

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Chelsea Ann Conway

*Plaintiff - Appellee*

v.

National Collegiate Trust

*Defendant - Appellant*

First Marblehead Corp., Inc.

*Defendant*

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Appeal from the United States Bankruptcy  
Appellate Panel for the Eighth Circuit

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Submitted: June 4, 2014

Filed: June 9, 2014

[Unpublished]

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Before GRUENDER, BOWMAN, and SHEPHERD, Circuit Judges.

PER CURIAM.

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National Collegiate Trust (NCT) appeals from the judgment of the Bankruptcy Appellate Panel (BAP) reversing the Bankruptcy Court’s determination that debtor Chelsea Conway had reasonably reliable future financial resources with which to pay her entire student loan debt to NTC. Reviewing the Bankruptcy Court’s finding of facts for clear error and its conclusion of law de novo, the BAP determined that excepting from discharge all of Conway’s obligations to NTC would impose an “undue hardship” under 11 U.S.C. § 523(a)(8). But the BAP remanded for a separate “undue hardship” discharge analysis of each of Conway’s fifteen individual debts to NTC. We have independently reviewed the Bankruptcy Court’s decision, applying the same standard of review as the BAP. See Walker v. Sallie Mae Servicing Corp. (In re Walker), 650 F.3d 1227, 1230 (8th Cir. 2011) (standard of review). We affirm for the reasons stated by the BAP. See Conway v. Nat’l Collegiate Trust (In re Conway), 495 B.R. 416 (B.A.P. 8th Cir. 2013). In addition, contrary to NCT’s arguments on appeal, we find no abuse of discretion in the BAP’s decision to reach the merits of the Bankruptcy Court’s decision despite immaterial deficiencies in the record on appeal, see Wilson v. Wells Fargo Bank, N.A. (In re Wilson), 402 B.R. 66, 69–70 (B.A.P. 1st Cir. 2009), no contravention of congressional intent with regard to the discharge analysis, and no abuse of discretion in the decision to remand for further proceedings. Accordingly, we affirm.

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