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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Melissa Flores,

10 Plaintiff,

11 v.

12 Commissioner of Social Security  
13 Administration,

14 Defendant.

No. CV-17-08191-PCT-DJH

**ORDER**

15 Plaintiff Melissa Flores (“Flores”) filed a complaint on September 18, 2017 seeking  
16 review of the Social Security Administration Commissioner’s (“the Commissioner”) denial  
17 of disability benefits. (Doc. 1). On March 19, 2019, this Court issued an order reversing  
18 the Administrative Law Judge’s decision, and remanding the case for further administrative  
19 proceedings. (Doc. 19). As the prevailing party in a civil action brought against the United  
20 States, Flores is entitled to attorney fees under the Equal Access to Justice Act (“EAJA”),  
21 28 U.S.C. § 2412, even if she is not ultimately successful in seeking benefits on remand.  
22 *See Shalala v. Schaefer*, 509 U.S. 292, 295–302 (1993). The parties have stipulated that  
23 this amount equals \$5,031.54. (Doc. 21).<sup>1</sup>

24 Fees awarded under the EAJA belong to the plaintiff, and as such may be subject to  
25 an administrative offset, thereby reducing the amount awarded if the plaintiff has a  
26 preexisting, unpaid debt to the United States. *Astrue v. Ratliff*, 560 U.S. 586 (2010). If no  
27 EAJA offset applies to an award of attorney fees, and if the plaintiff has assigned their

28 <sup>1</sup> The parties filed a Joint Stipulation. (Doc. 21). The Court will construe their Joint  
Stipulation as a Motion for Attorney Fees and Costs.


1 rights to the fees to his or her attorney, a check may be made out to the plaintiff's attorney  
2 and mailed to him or her directly. *Id.* at 597 (acknowledging such a practice by the  
3 government).

4 Here, the Court recognizes that Flores has assigned her attorney fees directly to her  
5 Counsel, John Phillips. (Doc. 3). If the government determines that no offset applies, the  
6 EAJA funds will be sent to Plaintiff's Counsel's law firm in the amount of \$5,031.54.

7 **IT IS ORDERED** that pursuant to the Equal Access to Justice Act, 28 U.S.C. §  
8 2412, Flores's Motion for Attorney Fees and Costs (Doc. 21) in the amount of \$5,031.54,  
9 as stipulated to by the parties, is **GRANTED**.

10 **IT IS FURTHER ORDERED** that Flores shall be awarded her attorney fees in the  
11 amount of \$5,031.54, which, if no offset is required, shall be awarded and sent directly to  
12 Flores's Counsel, John Phillips, at the address 147 S. Marina St., Prescott, AZ 86303.

13 Dated this 3rd day of July, 2019.

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17 Honorable Diane J. Humetewa  
18 United States District Judge  
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