

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

KEVIN MCCLURE

PLAINTIFF

V.

CASE NO.: 3:10CV00025-BD

**MICHAEL J. ASTRUE, Commissioner,
Social Security Administration**

DEFENDANT

ORDER

Pending is Plaintiff Kevin McClure's Motion for an Award of Attorney's Fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412 (docket entry #18).

In his motion, Mr. McClure requests fees in the amount of \$1,912.50 and expenses in the amount of \$16.62. The Commissioner does not object to the amount requested (#20).

Accordingly, Mr. McClure's motion (#18) is GRANTED, and he is awarded \$1,929.12 in fees and expenses.

In his motion, Mr. McClure states that he has assigned any attorney fees and costs awarded under the EAJA to his attorney. Mr. McClure's counsel attached a copy of the contract he entered into with Mr. McClure to the motion. In the contract, Mr. McClure assigned his rights to any EAJA fees and costs awarded in his case to his counsel. (#18-1 at p. 1) The contract also provides for Plaintiff to have any "checks made payable directly to Anthony W. Bartels and sent directly to his address." (#18-1 at p. 1) In his

response, the Commissioner points out that any award of attorney's fees to a plaintiff is subject to an offset if the plaintiff has outstanding federal debts. (#20 at p. 1)

The Court will honor Mr. McClure's assignment to the extent he does not owe any debts subject to administrative offset under the Treasury Department's Offset Program ("TOP"). The Commissioner should contact the Treasury Department to determine whether Mr. McClure owes any debt, as of the date of this order. If Mr. McClure owes any debt under the TOP, the Commissioner shall pay the EAJA award to him, deducting any offset owed under the TOP. If Mr. McClure does not owe a debt under the TOP, however, the Commissioner is ordered to make the EAJA award check payable directly to his attorney, Anthony W. Bartels, and mail it to Mr. Bartels.

IT IS SO ORDERED this 23rd day of June, 2011.


UNITED STATES MAGISTRATE JUDGE