

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

SALERIA BELLINGER

PLAINTIFF

V.

NO.: 3:10CV00123 BD

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

DEFENDANT

ORDER

Pending is Plaintiff Saleria Bellinger's Motion for an Award of Attorney's Fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412 (docket entry #16). In her motion, Ms. Bellinger requests fees in the amount of \$1,805.00 and expenses in the amount of \$16.62. The Commissioner does not object to the amount requested (#18). Accordingly, Ms. Bellinger's motion (#16) is GRANTED, and she is awarded \$1,821.62 in fees and expenses.

In her motion, Ms. Bellinger states that she has assigned any attorney fees and costs awarded under the EAJA to her attorney. Ms. Bellinger's counsel attached a copy of the contract he entered into with Ms. Bellinger to the motion. In the contract, Ms. Bellinger assigned her rights to any EAJA fees and costs awarded in her case to her counsel. (#16-1 at p. 1) The contract also provides for Ms. Bellinger to have any "checks made payable directly to Anthony W. Bartels and sent directly to his address." (#16-1 at p. 1)

The Court will honor Ms. Bellinger's assignment to the extent she 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 Ms. Bellinger owes any debt, as of the date of this order. If Ms. Bellinger owes a debt under the TOP, the Commissioner must pay the EAJA award to her, deducting any offset owed under the TOP. If Ms. Bellinger does not owe a debt under the TOP, however, the Commissioner is ordered to make the EAJA award check payable directly to Mr. Bellinger's attorney, Anthony W. Bartels, and mail it to Mr. Bartels.

IT IS SO ORDERED this 26th day of July, 2011.



UNITED STATES MAGISTRATE JUDGE