

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

JASON HUGH GRAHAM

Plaintiff

v.

4:13CV000451 SWW

CAROLYN W. COLVIN,
Acting Commissioner, Social
Security Administration

Defendant

ORDER

Before the Court is Plaintiff's motion for costs and attorney's fees under the Equal Access to Justice Act ("EAJA") and the Commissioner's response, stating no objection. After careful consideration, the motion is granted.

On May 19, 2014, the Court granted the Commissioner's motion to reverse and remand and entered judgment in Plaintiff's favor. Plaintiff's attorney, Kenneth V. Crow, now requests a total payment of \$3,280.24, consisting of: (1) \$3,255 in attorney's fees, based on 18.6 hours of attorney work at the hourly rate of \$175, and (2) \$25.24 in costs. The Commissioner does not object to the requested amount of fees and costs but submits that in accordance with *Astrue v. Ratliff*, 560 U.S. 586, 130 S.Ct. 2521 (2010), the Court should direct that any award be paid directly to Plaintiff, not Plaintiff's attorney.

Pursuant to *Ratliff*, an award of EAJA fees belongs to the prevailing party,

not that party's lawyer. Consistent with the Commissioner's usual procedure, the check awarding EAJA fees should be made payable to Plaintiff, but mailed to the care of Plaintiff's attorney at the attorney's office.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Attorney's Fees and Expenses (ECF No. 23) is GRANTED.

IT IS FURTHER ORDERED that Plaintiff is awarded \$3,280.24 in attorney's fees and expenses under the EAJA. Consistent with the Commissioner's usual procedure in light of *Astrue v. Ratliff*, 560 U.S. 586 (2010), the check awarding EAJA attorney's fees should be made payable to Plaintiff, but mailed to the care of Plaintiff's attorney at the attorney's office.

IT IS SO ORDERED THIS 22ND DAY OF SEPTEMBER, 2014.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE