

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

EILEEN P. MONOHAN,

Plaintiff,

v.

Case No: 6:15-cv-839-Orl-TBS

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER

Pending before the Court is Plaintiff's Unopposed Motion for Award of Attorney's Fees (Doc. 22). Pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. §2412(d), Plaintiff requests an award of fees in the amount of **\$4,928.77**¹. The record of counsel's billable hours attached to the motion confirms the hours worked on the case (Doc. 22-1 at 1). Pursuant to M.D. FLA. R. 3.01(g), counsel for Plaintiff represents that Defendant's attorney has been contacted and has no objection to the requested relief (Doc. 22 at 3).

Plaintiff asserts that she is the prevailing party in this litigation, that the Commissioner's position in the underlying action was not substantially justified, and that she is not excluded from eligibility for an award under EAJA by any of the exclusions set forth in the Act² (Id. at 2-3; Doc. 27-1). On June 24, 2016, the Court entered an Order

¹ Plaintiff's fee amount is calculated at the rate of \$187.00 per hour for work in 2015 and 190.00 per hour for work in 2016.

² Under the EAJA, a claimant is eligible for an attorney fee award where: (1) the claimant is a prevailing party in a non-tort suit involving the United States; (2) the Government's position was not substantially justified; (3) the claimant filed a timely application for attorney's fees; (4) the claimant had a net worth of less than \$2 million at the time the complaint was filed; and (5) there are no special

reversing and remanding this cause back to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. section 405(g) (Doc. 20). The Clerk entered Judgment that same day (Doc. 21). Plaintiff filed this application for attorney's fees on September 21, 2016. The motion for attorney's fees is timely.

Plaintiff has attached a copy of his assignment of EAJA fees to her lawyer (Doc. 22-3). In light of the assignment, Plaintiff requests that the payment should be made payable to her and delivered to her counsel unless Plaintiff owes a federal debt (Id.). If the U.S. Department of the Treasury determines that Plaintiff does not owe a federal debt, the Government will accept Plaintiff's assignment of EAJA fees and pay fees directly to Plaintiff's counsel (Id.).

Pursuant to the provisions of the EAJA, Plaintiff's motion is **GRANTED**, and Plaintiff is awarded attorney's fees **in the amount of \$4,928.77** made payable to Plaintiff and delivered to her lawyer if the Government determines that Plaintiff does not owe it a debt.

DONE and ORDERED in Orlando, Florida on September 29, 2016.


THOMAS B. SMITH
United States Magistrate Judge

Copies furnished to Counsel of Record

circumstances which would make the award of fees unjust. 28 U.S.C. § 2412(d).