

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

JORDAN JOEL ANDERSEN,

Plaintiff,

v.

Case No. 8:22-cv-630-AAS

**KILOLO KIJAKAZI, Acting Commissioner,
Social Security Administration,**

Defendant.

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ORDER

Jordan Joel Andersen moves for attorney's fees and costs under the Equal Access to Justice Act (EAJA), 28 U.S.C. Section 2412. (Doc. 22). The Commissioner does not oppose the motion. (*Id.* at 2).

Mr. Andersen requests \$4,529.59 in attorney's fees. (*Id.* at 1). The EAJA permits awards for reasonable attorney's fees and costs to a prevailing party against the United States. 28 U.S.C. § 2412. An October 19, 2022 order remanded the Commissioner's final decision under sentence four of 42 U.S.C. Section 405(g) for further administrative proceedings. (Doc. 20). The Clerk entered judgment in Mr. Andersen. (Doc. 21).

The Commissioner does not contest the following: Mr. Andersen is the prevailing party; Mr. Andersen's net worth was less than \$2 million when he filed his complaint; the Commissioner's position was not substantially

justified; and Mr. Andersen's attorney's fees request are reasonable. (Doc. 22, pp. 2-4). A court should grant a Social Security claimant's request for attorney's fees when it is unopposed. *See Jones v. Colvin*, No. 8:13-CV-2900-T-33AEP, 2015 WL 7721334 (M.D. Fla. Nov. 30, 2015) (awarding unopposed attorney's fees request). Thus, Mr. Andersen is entitled to \$4,529.59 in attorney's fees.

Attorney's fees awarded to a claimant under the EAJA can be offset to satisfy the claimant's pre-existing debt to the United States. *Astrue v. Ratliff*, 560 U.S. 586, 589 (2010). Following an order, the United States Department of the Treasury will determine whether Mr. Andersen owes a debt to the United States. Mr. Andersen assigned his rights to EAJA fees to his attorney. (Doc. 22, Ex. 11). So, if Mr. Andersen has no federal debt, the United States will accept his assignment of EAJA fees and pay the fees directly to counsel.

Accordingly, it is **ORDERED** that Mr. Andersen's motion for attorney's fees under the EAJA (Doc. 22) be **GRANTED**. Mr. Andersen is awarded **\$4,529.59** in attorney's fees.

ORDERED in Tampa, Florida on January 18, 2023.



AMANDA ARNOLD SANSONE
United States Magistrate Judge