

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

CHRISTINA HATCH, on behalf of)	
CRISTIAN HATCH,)	
)	
Plaintiff,)	
)	
v.)	CIVIL NO. 1:13cv119
)	
CAROLYN COLVIN, Acting)	
Commissioner of Social Security,)	
)	
Defendant.)	

OPINION AND ORDER

This matter is before the court on a motion for fees, filed by the plaintiff, Christina Hatch (“Hatch”), on May 29, 2014. The Commissioner filed her response on June 11, 2014. Hatch has declined to file a reply.

Discussion

Hatch has filed a motion for award of attorney’s fees, in the amount of \$4,918.10, pursuant to the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412. To award attorney fees pursuant to the EAJA, the court must find that the claimant was the prevailing party, that the claimant had a net worth not exceeding two million dollars (\$2,000,000) at the time the action was filed, and that the position of the United States in the litigation or the action (or failure to act) of the agency on which the civil action is based was not substantially justified and that there are no special circumstances which make an award under the EAJA unjust. Additionally the application for fees must be made within thirty days of the final judgment, defined as the date a judgment is not appealable, which is ninety days from the date of entry of judgment in most circumstances.

In the present case the Commissioner does not object to the award requested. However, the Commissioner notes that any fees paid can be offset to satisfy any preexisting debt that Hatch owes to the United States in accordance with *Astrue v. Ratliff*, 130 S.Ct. 2521 (2010). The Commissioner acknowledges that Hatch's counsel has provided a valid assignment of fees and, thus, if the Commissioner verifies that Hatch does not owe pre-existing debt to offset, the Commissioner agrees to direct payment of the award to Hatch's attorney pursuant to the EAJA assignment. Hatch has not objected to this arrangement.

Accordingly, as it is undisputed that Hatch meets the criteria for an award of fees, the EAJA fee request will be granted.

Conclusion

On the basis of the foregoing, Hatch's motion for fees [29] is hereby GRANTED.

Entered: July 29, 2014.

s/ William C. Lee
William C. Lee, Judge
United States District Court