UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

STEVEN SZCZYGIEL   )
         Plaintiff,   )
)
         v.   )   Case No. 2:19-cv-311-JD
)
ANDREW SAUL,   )
Commissioner of Social Security   )
)
         Defendant.   )

OPINION AND ORDER

This matter is before the Court on plaintiff's motion for an award of attorney fees under

the EAJA [DE 20], following the remand of this action to the Commissioner. The motion seeks

an award of $9,245.66. The parties have stipulated to an award of $8,700.00. [DE 21].

The EAJA provides that "a court may award reasonable fees and expenses of

attorneys . . . to the prevailing party in any civil action brought by or against the United States or

any agency." 28 U.S.C. § 2412(b). A party seeking an award of fees for a successful action

against the government is entitled to recover its attorneys' fees if: (1) the party was a prevailing

party; (2) the government's position was not substantially justified; (3) there are no special

circumstances that would make an award unjust; and (4) the application for fees is timely filed

with the district court (that is, within thirty days after the judgment is final and not appealable).

28 U.S.C. § 2412(d)(1)(A), (B) and (d)(2)(G); *Cunningham v. Barnhart*, 440 F.3d 862, 863 (7th

Cir. 2006); *Golembiewski v. Barnhart*, 382 F.3d 721, 723–24 (7th Cir. 2004).

Given the parties' agreement, the Court GRANTS the stipulation [DE 21], and

AWARDS the plaintiff an EAJA fee in the amount of **$8,700.00**. This award may be offset to

satisfy any pre-existing debt the plaintiff may owe to the United States. However, any portion of

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this award that is not used to offset a pre-existing debt of the plaintiff to the government should

be made payable directly to the plaintiff's counsel pursuant to the EAJA assignment executed by

the plaintiff. [DE 20-2 at 1]; *see Mathews-Sheets v. Astrue,* 653 F.3d 560, 565 (7th Cir. 2011).

      SO ORDERED.

      ENTERED: October 7, 2020

                              /s/ JON E. DEGUILIO
                              Chief Judge
                              United States District Court