

\$185 per hour for work performed on her case and asserts that an hourly fee greater than \$125.00 for counsel is warranted based a rise in the cost of living.

In accordance with the Act, Ms. Harmon submitted an itemized statement from her attorney showing “the actual time expended and the rate at which fees and other expenses were computed.” 28 U.S.C. § 2412(d)(1)(B). Counsel explains that the hourly rates for work performed in 2018 and 2019 are based on the cost of living adjustments allowed by statute when employing the Consumer Price Index-All Items Index obtained from the Bureau of Labor Statistics.

The court finds that “given the passage of time since the establishment of the hourly rate, a cost-of-living adjustment is warranted,” and counsel’s use of the Consumer Price Index to calculate an appropriate inflation adjustment is reasonable. Tchemkou v. Mukasey, 517 F.3d 506, 512 (7th Cir. 2008); *see also Williams v. Astrue*, No. 11 C 2053, 2013 WL 250795, at *2 (N.D. Ill. Jan. 23, 2013) (“Courts in this district have allowed claimants to use the Consumer Price Index to adjust hourly attorneys’ rates to account for cost of living increases in EAJA cases.”). As noted, the Commissioner doesn’t object to the hourly rates charged or the amount of fees requested by Ms. Harmon.

Based on the foregoing, the court GRANTS the motion for an award of fees and costs under the Equal Access to Justice Act [Doc. No. 37] and ORDERS as follows:

The plaintiff is awarded \$3,015.50 in attorney fees under the EAJA, 28 U.S.C. § 2412. This award will satisfy all of Ms. Harmon’s claims for attorney

fees under the EAJA.

Any fees paid belong to Ms. Harmon and can be offset to satisfy any pre-existing debt that she owes the United States. See Astrue v. Ratliff, 560 U.S. 586 (2010). After the court enters this award, if counsel for the Commissioner can verify that Ms. Harmon owes no pre-existing debt subject to offset, the Commissioner will direct that the award be made payable to Ms. Harmon's attorney.

SO ORDERED.

ENTERED: July 25, 2019

/s/ Robert L. Miller, Jr.
Judge, United States District Court