

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

D.K.R.,

Plaintiff,

v.

Case No. 6:21-CV-01214-DDC

KILOLO KIJAKAZI,  
Acting Commissioner of Social Security,

Defendant.

**MEMORANDUM AND ORDER GRANTING PLAINTIFF'S MOTION FOR AN  
AWARD OF ATTORNEY FEES UNDER THE EQUAL ACCESS TO JUSTICE ACT**

The court previously remanded this case for further administrative proceedings under 42 U.S.C. § 405(g) (*see* ECF No. 15). Plaintiff then requested attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d) (ECF No. 17).<sup>1</sup> After reviewing the file and being advised by the parties that they have now agreed to an attorney fee award under the EAJA in connection with the court-related representation of plaintiff in this Social Security appeal, the court finds that reimbursement should be made for attorney fees in the amount of **\$4,738.50**.

In accordance with *Astrue v. Ratliff*, 560 U.S. 586 (2010), the EAJA attorney fee is payable to the plaintiff as the litigant and may be subject to offset to satisfy any pre-existing debt the litigant may owe to the United States. In addition, if plaintiff's counsel ultimately receives an award of attorney fees under 42 U.S.C. § 406(b), she must refund the smaller award to plaintiff under *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

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<sup>1</sup> The title of plaintiff's motion recites that it is opposed. Doc. 17. But since the filing of the motion, the parties informally have notified the court that they have stipulated to the requested fee award.

**IT IS THEREFORE ORDERED THAT** plaintiff's Motion for An Award of Attorney Fees (Doc. 17) is granted. Under 28 U.S.C. § 2412, plaintiff is granted attorney fees under the EAJA in the amount of **\$4,738.50**. The check for attorney fees should be made payable to plaintiff and mailed to plaintiff's attorney address.

**IT IS SO ORDERED.**

**Dated this 18th day of November, 2022, at Kansas City, Kansas.**

**s/ Daniel D. Crabtree**  
**Daniel D. Crabtree**  
**United States District Judge**

Approved:

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United States Attorney  
District of Kansas

s/James L. Burgess  
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