

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KEVIN LEE HOERLE,

Plaintiff,

v.

Case No. 21-11605

Honorable Linda V. Parker

COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.

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**OPINION AND ORDER AWARDING ATTORNEY FEES UNDER THE  
EQUAL ACCESS TO JUSTICE ACT**

Plaintiff initiated this lawsuit on July 11, 2011, seeking judicial review of Defendant's determination that he is not entitled to social security disability benefits. On July 5, 2022, this Court entered a Judgment remanding the matter to the Commissioner. (ECF No. 17.) Plaintiff subsequently filed a motion for attorney's fees under the Equal Access to Justice Act ("EAJA"). (ECF No. 18.) Plaintiff's counsel represents in the motion that concurrence was sought from Defendant and counsel for Defendant indicated that Plaintiff may file the motion as unopposed. (ECF No. 18-10.)

In the motion, Plaintiff asks the Court to award Plaintiff's counsel fees and expenses totaling \$7,151.52 under the EAJA, 28 U.S.C. § 2412. Plaintiff indicates

that any payment may be subject to offset by any pre-existing debt Plaintiff may owe to the government.

As there is no opposition to Plaintiff's request for attorney's fees, and because the Court finds that an award is proper under the EAJA, it is granting Plaintiff's joint request. Any award must be offset by any debt Plaintiff owes to the government. *See Astrue v. Ratliff*, 560 U.S. 586 (2010). Therefore, Plaintiff's counsel is awarded fees and expenses in the amount of \$7,151.52 absent any debt owed by Plaintiff to the government.

**IT IS SO ORDERED.**

s/ Linda V. Parker  
LINDA V. PARKER  
U.S. DISTRICT JUDGE

Dated: September 30, 2022