UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

| KEVIN LEE HOERLE, | |
|----------------------------------|---------------------------|
| Plaintiff, | Case No. 21-11605 |
| v. | Honorable Linda V. Parker |
| COMMISSIONER OF SOCIAL SECURITY, | |
| Defendant. | / |

AMENDED OPINION AND ORDER AWARDING COSTS, EXPENSES, AND ATTORNEY FEES UNDER THE EQUAL ACCESS TO JUSTICE ACT

The agreed motion to amend the September 30 order awarding fees and expenses to separately specify the amount payable as costs is **GRANTED**. This order replaces the order issued on September 30, 2022. (ECF No. 19.)

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 \$402 in

costs and \$6,749.52 in fees and expenses 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 costs, expenses, and

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 costs in the amount of \$402, as well as

fees and expenses in the amount of \$6,749.52, 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: October 24, 2022