

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SYLVIA KNIGHT,

Plaintiff,

v.

Case No. 14-11389

Honorable Linda V. Parker

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**OPINION AND ORDER GRANTING PLAINTIFF'S APPLICATION FOR
ATTORNEY FEES UNDER THE EQUAL ACCESS TO JUSTICE ACT**

Plaintiff initiated this lawsuit on April 4, 2014, seeking judicial review of Defendant's determination that she is not entitled to social security disability benefits. Finding that the Administrative Law Judge failed to properly consider the assessment of Plaintiff provided by a consultative examiner, this Court issued a decision on July 27, 2015, granting in part Plaintiff's motion for summary judgment and remanding the matter to Defendant. Presently before the Court is Plaintiff's Motion for Attorney Fees Pursuant to the Equal Access to Justice Act, ("EAJA"), 28 U.S.C. § 2412, filed October 25, 2015. (ECF Nos. 24, 25.) In her motion, Plaintiff seeks attorney's fees totaling \$3,618.00. Defendant filed a response to the motion on October 30, 2015, in which Defendant agrees that Plaintiff is entitled to the attorney fee award requested but indicates that payment

must be subject to offset by any pre-existing debt Plaintiff may owe to the government. (ECF No. 26.)

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 motion. Defendant is correct, however, that any award must be offset by any debt Plaintiff owes to the government. *See Astrue v. Ratliff*, 560 U.S. 586 (2010). Therefore, the total award of \$3,618.00 should be payable to John M. Brissette, pursuant to the EAJA assignment signed by Plaintiff (see ECF No. 25-1), absent a debt owed by Plaintiff to the government.

SO ORDERED.

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

Dated: December 8, 2015

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, December 8, 2015, by electronic and/or U.S. First Class mail.

s/ Richard Loury
Case Manager