

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION**

**MARY JANE KINCAID**

**PLAINTIFF**

**V.**

**NO. 1:14CV00123-JMV**

**CAROLYN W. COLVIN**  
**Acting Commissioner of SSA**

**DEFENDANT**

**ORDER AWARDING ATTORNEY'S FEES**

Before the court is the claimant's petition [22] for payment of attorney's fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. In these proceedings, the claimant sought judicial review of the final decision of the Commissioner of Social Security, denying a claim for benefits. By Judgment [21] dated February 19, 2015, the court remanded this case to the Commissioner for further proceedings. The claimant now seeks attorney's fees under the EAJA on the grounds that she was the prevailing party, and the Commissioner's position was not "substantially justified." By the motion and attached exhibits, the claimant requests an award of \$4,949.18 in attorney's fees. The Commissioner does not oppose the claimant's request for attorney's fees but maintains that the EAJA award must be made payable to the claimant, not her attorney.

The court has considered the claimant's motion and supporting documentation and the record of this case and finds that the request for fees is reasonable. Therefore, the court finds it is appropriate to direct that payment be made to the claimant.<sup>1</sup>

**THEREFORE, IT IS ORDERED** that the claimant's motion for payment of attorney's fees under the EAJA is hereby **GRANTED**, and the Commissioner shall pay the claimant \$4,949.18 for the benefit of her attorney.

**THIS**, the 24th day of March, 2015.

**/s/ Jane M. Virden**  
**U. S. MAGISTRATE JUDGE**

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<sup>1</sup>In *Astrue v. Ratliff*, 130 S.Ct. 2521, 2528-29 (2010), the Supreme Court held that EAJA fees are payable to litigants.