

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

GENA G. FULLER,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:12CV56 SNLJ (NAB)
)	
CAROLYN W. COLVIN,)	
Acting Commissioner of Social Security,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's Application for Attorney's Fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412 (ECF #26), filed April 21, 2014. Defendant filed a response on May 1, 2014.

This Court ordered (ECF #25) that the report and recommendation of United States Magistrate Nannette A. Baker, filed December 30, 2013 (ECF #24), be sustained, adopted, and incorporated in this Court's Order and Judgment of January 21, 2014. Plaintiff now seeks an award of attorney's fees in the amount of \$2,695.74, representing 12.75 hours of attorney work at \$184.96 per hour and 3.75 hours of paralegal work at \$90.00 per hour and requests that the attorney's fees be paid directly to plaintiff's attorney. Defendant has no objection to payment of the attorney's fees in the requested amount of \$2,695.74. However, defendant requests that the Court enter an order awarding the attorney's fees to plaintiff rather than plaintiff's attorney in accordance with *Astrue v. Ratliff*, 130 S.Ct. 2521 (2010).


Because plaintiff is the prevailing party and there are no circumstances in this case that would make an award under the EAJA unwarranted, this Court finds that plaintiff is entitled to an award in the amount requested. Plaintiff has submitted an affidavit assigning any award of attorney's fees under the EAJA to her counsel of record. An award of attorney's fees to the prevailing party under the EAJA is payable to the plaintiff as the litigant and is "subject to [g]overnment offset to satisfy a pre-existing debt that the litigant owes the United States." Ratliff, 130 S.Ct. at 2524. Therefore, the Court will direct the defendant to make plaintiff's award of attorney's fees payable to plaintiff's attorney, subject to any pre-existing debt plaintiff owes to the United States.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's Application for Attorney's Fees under the Equal Access to Justice Act (ECF #26) is **GRANTED** and plaintiff is awarded attorney's fees in the amount of \$2,695.74.

IT IS FURTHER ORDERED that defendant shall pay attorney's fees in the amount of \$2,695.74, paid directly to plaintiff's attorney, Frank T. Koch of Harlan, Harlan & Still, subject to any pre-existing debt that the plaintiff owes to the United States. The payment shall be mailed to plaintiff's attorney, Frank T. Koch, Harlan, Harlan & Still, 515 Cherry Street, Suite 300, P.O. Box 933, Columbia, Missouri 65205.

Dated this 7th day of May, 2014.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE