

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
NORTHERN DIVISION

|   |   |                  |
|---|---|------------------|
| JAMES D. HEATHMAN,                      | ) |                  |
|   | ) |                  |
| Plaintiff,                              | ) |                  |
|   | ) |                  |
| v.                                      | ) | No. 2:13CV61 TIA |
|   | ) |                  |
| CAROLYN W. COLVIN,                      | ) |                  |
| Acting Commissioner of Social Security, | ) |                  |
|   | ) |                  |
| Defendant.                              | ) |                  |

**MEMORANDUM AND ORDER**

This matter is before the Court on Plaintiff’s Application for Attorney Fees Under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412 (ECF No. 34). The parties consented to the jurisdiction of the undersigned pursuant to 28 U.S.C. § 636(c).

In EAJA actions, the district court has the authority to award reasonable and necessary expenses associated with adjudicating a claim for social security benefits. Kelly v. Bowen, 862 F.2d 1333, 1335 (8th Cir. 1988). The Court finds that Plaintiff is entitled to EAJA fees in the amount of \$4,338.41, payable to the Plaintiff as the prevailing party. Astrue v. Ratliff, 560 U.S. 586, 130 S. Ct. 2521, 2527 (2010) (holding that EAJA fees are payable to the prevailing party and may be subject to offset to satisfy any pre-existing debt owed to the United States).

On September 10, 2014, the undersigned reversed the Commissioner’s decision and remanded Plaintiff’s case to the Commissioner for further proceedings. Plaintiff now seeks attorney’s fees in the amount of \$4,338.41, which represents 4.9 hours of attorney work at \$185.59 per hour and 18.4 hours of attorney work at \$186.36 per hour. Defendant filed a response to Plaintiff’s motion, stating that she has no objection to an award of EAJA fees of

\$4,338.41, but notes that any award of fees is subject to offset to satisfy any pre-existing debt he owes to the United States. Plaintiff executed a fee agreement assigning any fee under the EAJA to his attorney. See Doc. No. 34-3, Assignment of EAJA Fees. Accordingly, for good cause shown,

**IT IS HEREBY ORDERED** that Plaintiff's Application for Award of Attorney Fees Pursuant to the Equal Access to Justice Act (ECF No. 34) is **GRANTED** in the amount of \$4,338.41. The award is made payable to Plaintiff's counsel, based on the assignment, is subject to offset for any debt he owes the United States, and is to be mailed to Plaintiff's attorney. An appropriate Judgment will accompany this Memorandum and Order.

/s/ Terry I. Adelman  
UNITED STATES MAGISTRATE JUDGE

Dated this 8th day of January, 2015.