

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JOHN S. SCHUPP,)	
)	
Plaintiff,)	
)	
v.)	No. 4:10CV1903 TIA
)	
)	
CAROLYN W. COLVIN, ¹)	
COMMISSIONER OF SOCIAL SECURITY,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's Motion for Attorney's Fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. The parties consented to the jurisdiction of undersigned pursuant to 28 U.S.C. § 636(c).

On September 12, 2012, 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 \$5,719.78, which represents 30.8 hours of attorney work at the rate of \$185.71 per hour. 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).

In the instant case, Defendant has filed a response noting how the parties have agreed to an award of EAJA fees and expenses in the amount of \$5,562.17. However, as stated by Defendant, EAJA fees are payable to the Plaintiff and may be offset to satisfy any pre-existing debt owed to the

¹ Carolyn W. Colvin became the Acting Commissioner of Social Security on February 14, 2013. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin is therefore substituted for Michael J. Astrue as the Defendant in this action.

United States. Astrue v. Ratliff, ___ U.S. ___, 130 S. Ct. 2521, 2527 (2010).

The Court has reviewed Plaintiff's application for an award fo fees and expenses under the EAJA, and concludes the statutory requirements are met. Because Plaintiff prevailed and is not otherwise precluded from receiving attorney's fees, the Court finds that he is entitled to attorney's fees in the amount of \$5,562.17 as agreed by the parties. The fee shall be mailed to Plaintiff's attorney: David D. Camp, 1285 Fern Ridge Parkway, Suite 120, St. Louis, MO 63141.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion for Attorney's Fees pursuant to the Equal Access to Justice Act (Docket No.25) is **GRANTED**.

IT IS HEREBY ORDERED that Defendant shall pay attorney's fees under the EAJA in the amount of \$5,562.17, payable to Plaintiff, but mailed to David D. Camp, 1285 Fern Ridge Parkway, Suite 120, St. Louis, MO 63141.

An appropriate Judgment will accompany this Memorandum and Order.

/s/ Terry I. Adelman
UNITED STATES MAGISTRATE JUDGE

Dated this 5th day of December, 2013.