

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

PAMELA M. DACE,)	
)	
Plaintiff,)	
)	
v.)	No. 4:12CV47 TIA
)	
CAROLYN W. COLVIN,)	
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. The parties consented to the jurisdiction of undersigned pursuant to 28 U.S.C. § 636(c).

On March 25, 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 \$6,628.87, which represents 23.50 hours of attorney work at the rate of \$188.25 per hour and 24.50 hours of legal assistant work at the rate of \$90.00. 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 stating no objection to Plaintiff’s award of EAJA fees of \$6,628.87. 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 United States. Astrue v. Ratliff, 560 U.S. 586 (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 she is entitled to attorney's fees in the amount of \$6,628.87. The fee shall be mailed to Plaintiff's attorney: Timothy Harlan, 515 Cherry Street, Suite 300, P.O. Box 933, Columbia, MO 65205. An appropriate Judgment will accompany this Memorandum and Order.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion for Attorney's Fees pursuant to the Equal Access to Justice Act (Docket No.28) is **GRANTED**.

IT IS HEREBY ORDERED that Defendant shall pay attorney's fees under the EAJA in the amount of \$6,628.87, payable to Plaintiff, but mailed to Timothy Harlan, 515 Cherry Street, Suite 300, P.O. Box 933, Columbia, MO 65205.

/s/ Terry I. Adelman
UNITED STATES MAGISTRATE JUDGE

Dated this 2nd day of July, 2014.