

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ROCHELLE PERKINS,)
)
Plaintiff,)
)
v.)
)
CAROLYN W. COLVIN,)
Commissioner of Social Security,)
)
Defendant.)

No. 4:12-CV-1466 CAS

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's Application for Award of Attorney's Fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d)(1)(B). Plaintiff seeks attorney's fees in the amount of \$3,954.65, which amount is based on multiplying 21.2 hours of attorney time by a rate of \$186.54 per hour. Plaintiff's counsel states that plaintiff signed an agreement assigning any EAJA fee to her counsel. Counsel asks the court to order defendant to make the fee payable to plaintiff's attorney based on the assignment.

Defendant filed a response which states that the “Defendant has no objection to Plaintiff’s request for attorney fees under the EAJA in the amount of \$3,954.65.” Defendant states, however, that the attorney fees should be made payable directly to plaintiff as the litigant pursuant to Astrue v. Ratliff, 130 S. Ct. 2521 (2010).

The Court has reviewed plaintiff's application for an award of fees and expenses under the EAJA, and concludes the statutory requirements are met. By Order and Judgment of Remand dated September 30, 2013, this Court remanded this case to defendant Commissioner for further

proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A claimant seeking judicial review of a final decision denying Social Security disability benefits may recover attorney's fees if he or she receives a "sentence four" remand. See Shalala v. Schaefer, 509 U.S. 292, 295-96 (1993). 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 \$3,954.65.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's application for attorney's fees and costs under the Equal Access to Justice Act is **GRANTED**. [Doc. 24]

IT IS FURTHER ORDERED that defendant Commissioner of Social Security shall pay attorney's fees under the EAJA in the amount of Three Thousand Nine Hundred Fifty-Four Dollars and Sixty-Five Cents (\$3,954.65), payable to plaintiff.



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 5th day of December, 2013.