

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CHARLITA K. JONES,)
Plaintiff,)
v.) Case No. 4:13 CV 1007 RWS
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. On September 25, 2014, the case was remanded to the Commissioner for further proceedings. Plaintiff moves the Court to grant her request for fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412.

Plaintiff has submitted a request to be reimbursed in the amount of \$6,161.59, which represents 33.2 hours of attorney time at a rate of \$185.59 per hour. Defendant does not contest the award of these fees but notes that the fees should be made payable to Plaintiff under the holding in Astrue v. Ratliff, 560 U.S. 586 (2010) (fees are awarded directly to prevailing plaintiff even though plaintiff's attorney may have a beneficial interest or contractual right to the fees).

In accordance with Astrue v. Ratliff, the EAJA fee may be subject to offset to satisfy a pre-existing debt that the litigant owes to the United States.

In addition, Plaintiff requests reimbursement for the \$400.00 filing fee from the Judgment Fund of the United States Treasury. The filing fee is a cost which is distinguished from an expense under the EAJA. Defendant does not contest the award of the filing fee.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Application for Attorney's Fees in the amount of \$6,161.59 #[22] is **GRANTED**. The fees are awarded to Plaintiff and shall be paid by the Social Security Administration.

IT IS FURTHER ORDERED that Plaintiff's request for reimbursement for the \$400.00 filing fee is **GRANTED**. The fee is awarded to Plaintiff and shall be paid by the Judgment Fund administered by the United States Treasury.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 8th day of December, 2014.