

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

MICHELLE D. BRADY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:13CV2076 RLW
	)	
CAROLYN W. COLVIN,	)	
Acting Commissioner of Social Security,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on Plaintiff's Motion for Award of EAJA Fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412 (ECF No. 25). Defendant has no objection to Plaintiff's request.

On March 5, 2015, the undersigned reversed the Commissioner's decision and remanded Plaintiff's case for further proceedings. Plaintiff now seeks attorney's fees in the amount of \$5,680.00, which represents 30.5 hours of attorney work from Steve Wolf and Jean C. Owen at the rate of \$186.25 per hour. In addition, Plaintiff requests that Defendant pay the \$400.00 filing fee. Defendant filed a response to Plaintiff's motion, stating that she has no objection to an award of EAJA fees of \$5,680.00 to be paid by the Social Security Administration and no objection to compensating Plaintiff for the \$400.00 filing fee, said amount to come from the Judgment Fund administered by the United States Treasury.

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 \$5,680.00, payable to the Plaintiff as the prevailing party. *Astrue v. Ratliff*, 560 U.S.

586, 593 (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). Further, the EAJA allows a judgment for costs, which may include an amount equal to the filing fee. 28 U.S.C. § 2412(a)(2). As such, the Court also finds that Plaintiff is entitled to reimbursement of the \$400.00 filing fee. An appropriate Judgment will accompany this Memorandum and Order.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's Motion for Award of EAJA Fees (ECF No. 25) is **GRANTED** in the amount of \$5,680.00 for attorney's fees to be paid by the Social Security Administration and \$400.00 for the filing fee to be paid from the Judgment Fund.

**IT IS FURTHER ORDERED** that said award shall be made payable to the Plaintiff. A separate Judgment shall accompany this Memorandum and Order.

Dated this 5<sup>th</sup> day of June, 2015.



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**RONNIE L. WHITE**  
**UNITED STATES DISTRICT JUDGE**