

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

| | | |
|-----------------------------------------|---|-------------------|
| REBECCA A. ROSTER, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 4:13CV2395JMB |
| |) | |
| CAROLYN W. COLVIN, |) | |
| Acting 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 (ECF No. 29).

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 \$3,222.56, payable to the Plaintiff as the prevailing party. Astrue v. Ratliff, 560 U.S. 586, 130 S. Ct. 2521, 2527 (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).

On January 28, 2015, the Honorable Terry I. Adelman 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 \$3,222.56, which represents 14.25 hours of attorney work at \$188.25 per hour and 6.0 hours of legal assistant work at \$90.00 per hour. Defendant has not filed a response to Plaintiff's motion stating any objection to an award of EAJA fees of \$3,222.56. The undersigned notes any award of attorney's fees is subject to offset to satisfy any pre-existing debt she owes to the United States. Id. Plaintiff executed a fee agreement assigning

any fee under the EAJA to her attorney. See Doc. No. 29-3, Assignment of EAJA Fees.

Accordingly, for good cause shown,

IT IS HEREBY ORDERED that Plaintiff's Application for Award of Attorney Fees Under the Equal Access to Justice Act (ECF No. 29) is **GRANTED** in the amount of \$3,222.56. The award is made payable to Plaintiff's counsel, based on the assignment, is subject to offset for any debt she owes the United States, and is to be mailed to Plaintiff's attorney.

An appropriate Judgment will accompany this Memorandum and Order.

/s/ John M. Bodenhausen
UNITED STATES MAGISTRATE JUDGE

Dated this 23rd day of April, 2015.