

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ANGELA GIBSON,)
)
 Plaintiff,)
)
 v.) No. 4:14CV987 CDP
)
 CAROLYN W. COLVIN,)
 Acting Commissioner of Social Security,)
)
 Defendant.)

MEMORANDUM AND ORDER

Plaintiff Angela Gibson prevailed on her appeal for judicial review of an adverse decision of the Social Security Administration and now requests attorney's fees under the Equal Access to Justice Act (EAJA) in the amount of \$5,073.34. The Commissioner does not object to plaintiff's request for fees and asks that I order payment in the amount requested. I will grant the request.

This matter came before me on plaintiff's appeal for judicial review of an adverse decision of the Social Security Administration. After oral argument at which both parties were heard, I entered Judgment on September 28, 2015, reversing the Commissioner's decision and remanding the matter to the Commissioner for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Plaintiff now seeks an award of attorney's fees inasmuch as she is a prevailing party,

has a net worth of less than two million dollars, and incurred these fees in this action. 28 U.S.C. § 2412(d). The Commissioner does not oppose plaintiff's motion, but requests that the award be made payable in accordance with *Astrue v. Ratliff*, 560 U.S. 586 (2010). Upon review of plaintiff's motion and the Commissioner's response, I find the requested fees and the Commissioner's requested terms of payment to be reasonable.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's Petition for Award of Attorney's Fees Pursuant to the Equal Access to Justice Act [ECF #31] is **GRANTED**.

IT IS FURTHER ORDERED that, pursuant to 28 U.S.C. § 2412(d), plaintiff shall recover attorney's fees in the amount of Five Thousand, Seventy-Three and 34/100 Dollars (\$5,073.34).

IT IS FURTHER ORDERED that the award shall be made payable to Kristen Van Fossan pursuant to the Assignment of Federal Court EAJA Fee executed by the plaintiff in this case (*see* ECF #32-3) unless plaintiff has a pre-existing debt owed to the United States, in which case the award shall be made payable to the plaintiff and shall be subject to offset to satisfy such debt.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 17th day of November, 2015.