

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

PAMELA N. MITCHELL,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:15 CV 1936 CDP
)	
NANCY A. BERRYHILL, ¹)	
Acting Commissioner of Social Security,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

Plaintiff Pamela Mitchell 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 \$3,737.42. 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 March 16, 2017, 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

¹ Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Nancy A. Berryhill should be substituted for Acting Commissioner Carolyn W. Colvin as the defendant in this suit. No further action needs to be taken to continue this suit by reason of the last sentence of Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

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 Application for Attorney's Fees Under the Equal Access to Justice Act [ECF #41] 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 Three Thousand, Seven Hundred, Thirty-Seven and 42/100 Dollars (\$3,737.42).

IT IS FURTHER ORDERED that the award shall be made payable to Frank T. Koch pursuant to the Assignment of Federal Court EAJA Fee executed by the plaintiff in this case (*see* ECF #41-3) 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 28th day of December, 2017.