

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

VIVIAN YOUNG,)	
)	
Plaintiff,)	8:14CV15
)	
v.)	
)	
CAROLYN J. COLVIN, Acting Commissioner of Social Security Administration,)	MEMORANDUM
)	AND ORDER
)	
Defendant.)	
)	

This matter is before the court upon Plaintiff's application for attorney fees pursuant to the Equal Access to Justice Act ("EAJA"), [28 U.S.C. § 2412](#). (Filing [21](#).) Plaintiff's application requests an award of \$6,158.25 for 31.2 hours of work by her attorneys at an average hourly rate of \$191.25. The parties have since agreed, however, that Plaintiff should receive an award of \$5,967.00. (Filings [22](#) & [23](#).)

The court has determined that Plaintiff was indeed the prevailing party in this action, as the Commissioner's decision was reversed and remanded for further proceedings; the position of the Commissioner was not substantially justified; the application for fees was filed in a timely fashion; and Plaintiff's net worth did not exceed two million dollars when the action was filed. [United States SEC v. Zahareas](#), 374 F.3d 624, 630 (8th Cir. 2004); [28 U.S.C. § 2412\(d\)\(1\)\(A\), \(2\)\(B\)](#). Plaintiff therefore is entitled to an award of reasonable attorney fees. Further, in accordance with [Astrue v. Ratliff](#), 560 U.S. 586 (2010), the EAJA fee is payable to Plaintiff as the litigant and may be subject to offset to satisfy any pre-existing debt the litigant may owe to the United States.

Accordingly,

IT IS ORDERED:

1. Plaintiff's application for attorneys fees pursuant to the Equal Access to Justice Act (Filing [21](#)) is granted, but the award shall be in the amount of \$5,967.00, as agreed by the parties. (Filings [22](#) & [23](#).)

2. The EAJA fee is payable to Plaintiff as the litigant and may be subject to offset to satisfy any pre-existing debt the litigant may owe to the United States.

3. By separate document, the court shall enter judgment for Plaintiff and against Defendant, providing that Plaintiff is awarded attorney fees of \$5,967.00.

DATED this 20th day of July, 2015.

BY THE COURT:

s/ Richard G. Kopf

Senior United States District Judge

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