

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

DOUGLAS C. PEGG,)	
Plaintiff,)	
)	
v.)	Civil No. 1:12-cv-00394-GCM
)	
CAROLYN W. COLVIN,)	
Acting Commissioner of Social Security,)	
Defendant.)	

ORDER

Pursuant to the power of this Court to award fees to a prevailing party other than the United States incurred by that party in a civil action against the United States, including proceedings for judicial review of agency action, under the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A), and in light of this Court’s July 16, 2013, Judgment and Order remanding this case to the defendant Commissioner for further administrative proceedings,

IT IS HEREBY ORDERED that the United States Social Security Administration shall pay attorney’s fees in the amount of three thousand, nine hundred and eighty-one dollars, and sixty-one cents (\$3981.61) in full satisfaction of any and all attorney’s fee claims Plaintiff may have in this case under the Equal Access to Justice Act.

Pursuant to the United States Supreme Court’s ruling in *Astrue v. Ratliff*, 130 S.Ct. 2521 (2010), these attorney fees are payable to Plaintiff as the prevailing party, and are subject to offset through the Treasury Department’s Offset Program to satisfy any pre-existing debt Plaintiff may owe to the government. If, subsequent to the entry of this Order, the Commissioner determines that Plaintiff owes no debt to the government that would subject this award of attorney’s fees to offset, the Commissioner may honor the Plaintiff’s December 13, 2012 signed assignment of EAJA fees providing for payment of the subject fees to Plaintiff’s

counsel, rather than to Plaintiff. If, however, Plaintiff is discovered to owe the government any debt subject to offset, the Commissioner shall pay any attorney's fees remaining after such offset to Plaintiff rather than to counsel.

SO ORDERED.

Signed: July 23, 2013

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

