

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
DOCKET NO. 1:21-cv-00139-MOC

SANDRA DAVIS,)
)
 Plaintiff,)
)
 vs.)
)
 KILOLO KIJAKAZI ,)
 Acting Commissioner of Social Security)
 Defendant.)

ORDER

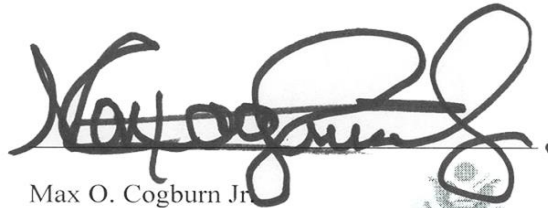
THIS MATTER is before the Court on Plaintiff’s Consent Motion for Attorney Fees. (Doc. No. 20). Pursuant to the power of this court to award fees to a prevailing party other than the United States incurred by that party in a civil action against the United States, including proceedings for judicial review of agency action, under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d), and in light of this Court’s March 18, 2022 Judgment remanding this case to Defendant Acting Commissioner for further administrative proceedings and the parties Consent Motion, (Doc. No. 17),

IT IS HEREBY ORDERED that the Defendant shall pay \$2,404.75 in attorney fees in full satisfaction of any and all 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, 560 U.S. 586, 130 S. Ct. 1251 (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 preexisting debt Plaintiff may owe to the United States Government. If, subsequent to the entry of this Order, the Commissioner determines that Plaintiff owes no debt to the United States that would subject this award of attorney's fees to offset, the Commissioner may honor Plaintiff's 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 fees remaining after such offset to Plaintiff rather than to counsel. Should this occur, any remaining fees made payable to Plaintiff shall be sent to her counsel.

Signed: May 9, 2022



Max O. Cogburn Jr.
United States District Judge