

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:15-cv-00443-MOC

SAMUEL S. MILLER,)
)
 Plaintiff,)
)
 v.)
)
CAROLYN W. COLVIN,)
 Acting Commissioner of Social Security)
)
 Defendant.)

ORDER

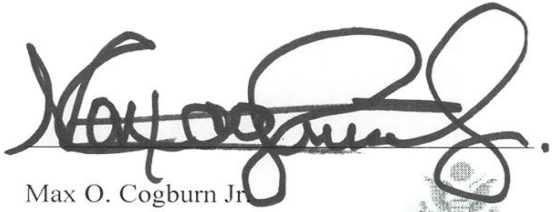
THIS MATTER is before the court on plaintiff’s Motion for Fees Under the Equal Access to Justice Act (#19) and defendant’s response thereto (#21). Plaintiff filed a timely Motion for Fees under the Equal Access to Justice Act, 28 U.S.C. § 2412, on October 7, 2016 in the amount of \$5,300. Defendant’s response did not oppose the granting of fees. The defendant’s response noted that the fees should be directed to the litigant rather than the plaintiff’s attorney under Astrue v. Ratliff, 560 U.S. 586 (2010). The court finds the proposed fee to be reasonable.

ORDER

IT IS, THEREFORE, ORDERED that the Motion for Fees Under the Equal Access to Justice Act (#19) is **GRANTED**. The United States Social Security Administration shall pay attorney’s fees in the amount of \$5,300.00 in full satisfaction of any and all attorney’s fee claims Plaintiff may have in this case under EAJA. Pursuant to the United States Supreme Court’s ruling in Astrue v. Ratliff, 130 S. Ct. 2521 (2010), these attorney’s 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 the Court's EAJA Order, the Commissioner determines that Plaintiff owes no debt to the government that would subject this award of attorney fees to offset, the Commissioner may honor Plaintiff's signed assignment of EAJA fees providing for payment of the subject fees to Plaintiff's counsel, rather than to Plaintiff. If, however, the Commissioner discovers that Plaintiff owes the government any debt subject to offset, the Commissioner shall pay any attorney fees remaining after such offset to Plaintiff, rather than to counsel.

Signed: October 19, 2016



Max O. Cogburn Jr.
United States District Judge