

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:17-cv-695

**LISA MAXINE DUNCAN,** )  
 )  
 Plaintiff, )  
 )  
 Vs. ) **ORDER**  
 )  
 )  
 **NANCY A. BERRYHILL,** )  
 **Acting Commissioner of Social Security,** )  
 )  
 Defendant. )

**THIS MATTER** is before the Court on plaintiff’s Motion for Attorney’s Fees Pursuant to the Equal Access to Justice Act. The Court enters the following Order, pursuant to its authority to award fees to a prevailing party, other than the United States, incurred by that party in a civil action against the United States under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d)(1)(A). The Court notes that defendant does not object to the requested fees. Having considered this motion, the Court enters the following Order.

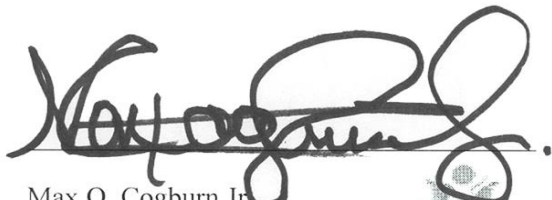
**ORDER**

**IT IS, THEREFORE, ORDERED** that plaintiff’s Motion for Attorney’s Fees Pursuant to the Equal Access to Justice Act (#12) is **GRANTED** and plaintiff is hereby awarded attorney’s fees in the amount of \$5,188.04, payable to plaintiff’s counsel and sent to plaintiff’s counsel. Additionally, plaintiff shall be paid \$400.00 in filing costs from the Judgment Fund by the U.S. Department of the Treasury pursuant to 28 U.S.C. §2412(a)(1).

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: August 23, 2018



Max O. Cogburn Jr.  
United States District Judge

