UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION DOCKET NO. 5:14-cv-00132-FDW

JENNIE THOMAS,)	
Plaintiff,)	
vs.)	
)	ORDER
CAROLYN COLVIN, Acting)	
Commissioner of Social Security,)	
)	
Defendant.)	

THIS MATTER is before the Court on Plaintiff's Petition for Attorneys Fees Under the Equal Access to Justice Act, 28 U.S.C. § 2412. (Doc. No. 14). For the reasons stated herein, the motion is GRANTED.

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)(1)(A), and in light of this Court's February 3, 2015 Order remanding this case to the Defendant Acting Commissioner for further administrative proceedings.

IT IS HEREBY ORDERED that the Court will award attorney's fees in the amount of three thousand nine hundred seventy-seven dollars and fifty cents (\$3,977.50) in full satisfaction of any and all claims Plaintiff may have in this case under the EAJA. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.

Pursuant to the United States Supreme Court's ruling in <u>Astrue v. Ratliff</u>, 130 S.Ct. 1251 (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 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 Plaintiff's July 12, 2014 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. Should this occur, any remaining fees made payable to Plaintiff shall be

IT IS SO ORDERED.

sent to her counsel.

Signed: February 24, 2015

Frank D. Whitney

Chief United States District Judge