

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:16-cv-00195-RJC**

RUTH BURLESON,)
)
 Plaintiff,)
)
 v.)
)
 NANCY A. BERRYHILL,)
 Acting Commissioner of)
 Social Security Administration,)
)
 Defendant.)
 _____)

ORDER

THIS MATTER comes before the Court on Plaintiff’s Motion for Attorney Fees pursuant to the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412, (Doc. No. 15); and Defendant’s Response to Plaintiff’s Motion, (Doc. No. 16). In Plaintiff’s original motion, she asked for an award of \$6,013.12 of attorney’s fees, costs, and expenses. (Doc. No. 15 at 1). However, in Defendant’s response, the parties agreed to this Court awarding the following:

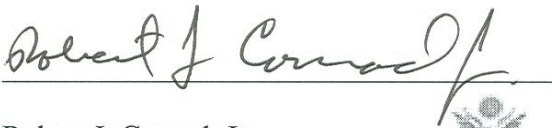
1. attorney fees of \$5,180.76 under EAJA;
2. costs in the amount of \$406.40;
3. and expenses in the amount of \$29.45.

(Doc. No. 16 at 1). Plaintiff consents to the new fees and costs calculated in Defendant’s Response.

Having reviewed the Motion, memorandum in support, supporting exhibits, and the case file, the Court determines that Plaintiff should be awarded attorneys’ fees under EAJA, 28 U.S.C. § 2412(d), in the amount of in the amount \$5,180.76 payable to Plaintiff. Plaintiff is also awarded costs in the amount of \$406.40 and expenses in the amount of \$29.45.

IT IS, THEREFORE, ORDERED that Plaintiff's Motion for Attorneys' Fees, (Doc. No. 16), is **GRANTED**. The Court will award attorneys' fees in the amount of \$5,180.76, costs in the amount of \$406.40, and expenses in the amount of \$29.45. Pursuant to Astrue v. Ratliff, 560 U.S. 586 (2010), the fee award will first be subject to offset of any debt Plaintiff may owe to the United States. The Commissioner will determine whether Plaintiff owes a debt to the United States. If so, that debt will be satisfied first, and if any funds remain, they will be made payable to Plaintiff and mailed to Plaintiff's counsel. If the United States Department of the Treasury reports to the Commissioner that the Plaintiff does not owe any debt, the Government will exercise its discretion and honor an assignment of EAJA fees, and pay those fees directly to Plaintiff's counsel. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.

Signed: February 21, 2018



Robert J. Conrad, Jr.
United States District Judge

