

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DUSTIN GLENN,	:	Case No. 3:12-cv-79
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	
vs.	:	
	:	
CAROLYN W. COLVIN,	:	
Commissioner of the Social	:	
Security Administration,	:	
	:	
Defendant.	:	

ORDER THAT PLAINTIFF’S MOTION FOR ATTORNEY FEES (Doc. 20) IS GRANTED AND COUNSEL IS AWARDED \$3,615.17

This case is a Social Security disability benefits appeal under which the Court determined that the ALJ’s non-disability finding was not supported by substantial evidence and was reversed, awarding benefits in favor of Plaintiff. (Doc. 14). Seeking to be compensated for the legal expenses incurred in obtaining the benefits award, Plaintiff’s counsel has filed a fee application (Doc. 16) pursuant to the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412.

The Commissioner does not have any objection to the fees requested by Plaintiff. (Doc. 19 at 2). However, Defendant claims that Plaintiff did not specifically request that fees be awarded directly to his attorney, and therefore Defendant submits that any fees awarded under the EAJA be payable directly to Plaintiff. (*Id.*) Contrary to Defendant’s contention, the Court notes that Plaintiff did in fact request that the fees be awarded directly to his attorney. “[A]ny payment for approved EAJA fees should be made payable

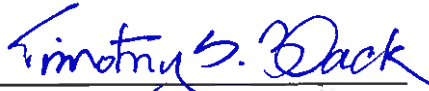
to my attorney.” (Doc. 16, Ex. 3).

Any fees paid belong to Plaintiff and not his attorney and can be offset to satisfy pre-existing debt that the litigant owes the United States. *Astrue v. Ratliff*, 130 S. Ct. 2521 (2010). However, if counsel for the parties can verify that Plaintiff does not owe any pre-existing debt subject to offset, the Commissioner shall award fees directly to Plaintiff’s attorney pursuant to the EAJA assignment which was signed by Plaintiff and counsel.

Accordingly, in light of the services which Plaintiff’s attorney has performed as reflected in Fee Application, counsel is awarded a fee in the amount of \$3,615.17.

IT IS SO ORDERED.

Date: 2/20/2013



Timothy S. Black
United States District Judge