

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

VICTORIA SPAUGY,	:	
Plaintiff,	:	Case No. 3:12cv00081
vs.	:	District Judge Walter Herbert Rice Chief Magistrate Judge Sharon L. Ovington
CAROLYN W. COLVIN, Acting Commissioner of the Social Security Administration,	:	
Defendant.	:	

DECISION AND ORDER

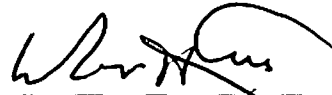
This case is before the Court upon Plaintiff's Motion For Attorney Fees Under Equal Access To Justice Act (EAJA), 28 U.S.C. §2412(d) (Doc. #16) and Defendant's Response (Doc. #17). The Commissioner does not object to an award of fees in the amount Plaintiff requests – specifically, \$2,248.46. (Doc. #17, PageID at 132). Given the absence of opposition by Defendant, Plaintiff's Motion and supporting documents establish that she is entitled to an award of attorney fees under the EAJA in the total amount she seeks.

Defendant asserts that an EAJA award is payable to the litigant, rather than her attorney, and that the Government may use the award to offset a pre-existing debt that the litigant owes the United States. This is correct. The EAJA award in this case belongs to

Plaintiff and can be offset to satisfy pre-existing debt that she owes the United States. *See Astrue v. Ratliff*, 560 U.S. 586, ___, 130 S.Ct. 2521, 2527 177 L.Ed.2d 91 (2010).

Accordingly, the Court hereby **ORDERS** that:

1. Plaintiff's Motion For Award Of Attorney Fees Under Equal Access To Justice Act, 28 U.S.C. §2412(d) (Doc. #16) is **GRANTED**; the Commissioner shall pay Plaintiff's attorney fees under the EAJA in the total amount of \$2,248.46;
2. Defendant shall verify, **within thirty days of this Decision and Order**, whether or not Plaintiff owes a pre-existing debt to the United States subject to offset. If no such pre-existing debt exists, Defendant shall pay the EAJA award directly to Plaintiff; and
3. The case remains terminated on the docket of this Court.



Walter Herbert Rice
United States District Judge