## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO WESTERN DIVISION

ANNA JOHNSON,

Case No. 3:13-cv-23

Plaintiff,

Judge Timothy S. Black

VS.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

## ORDER AWARDING ATTORNEY'S FEES UNDER 28 U.S.C. § 2412

This Social Security disability benefits appeal is before the Court on the parties' joint stipulation to award EAJA fees. (Doc. 16). The parties stipulate to an award in the amount of \$4,000.00 for attorney fees and expenses authorized under 28 U.S.C. §2412(d). Upon a *de novo* review, the Court finds that Plaintiff is a "prevailing party" as defined; that this civil action was brought against the United States; to review agency action by the Social Security Administration; in a court with proper subject matter jurisdiction; that the Commissioner's position during this litigation was not "substantially justified;" and that no "special circumstances" exist to bar a fees award. *See* 42 U.S.C. § 405(g). Moreover, the hourly fee and the time expended are reasonable. Accordingly, the Court hereby ORDERS that an award of \$4,000.00 for attorney fees and expenses is hereby GRANTED.

This award satisfies Plaintiff's claims for fees, expenses, and costs under 28

U.S.C. § 2412.1

IT IS SO ORDERED.

Date: 2/10/14

Timothy S. Black

United States District Judge

Any fees paid belong to Plaintiff and not her attorney and can be offset to satisfy preexisting 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 Defendant agrees to direct the award to Plaintiff's attorney pursuant to the EAJA assignment which was signed by Plaintiff and counsel. (Doc. 16 at 1). Plaintiff authorized and assigned all rights to attorney fees to her attorney. (*Id.*, Ex. 1).