

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

HEATHER ARY,	:	Case No. 3:16-cv-00102
	:	
Plaintiff,	:	District Judge Walter H. Rice
	:	Magistrate Judge Sharon L. Ovington
vs.	:	
	:	
NANCY A. BERRYHILL,	:	
COMMISSIONER OF SOCIAL	:	
SECURITY,	:	
	:	
Defendant.	:	

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**DECISION AND ENTRY**

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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. #17), and the record as a whole.


Plaintiff seeks an award of attorney fees under the EAJA in the amount of \$3,451.14. In the absence of opposition by the Commissioner, 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. The attorney fees awarded under the EAJA belong to Plaintiff and are subject to administrative “offset if [she] has outstanding federal debts.” *Astrue v. Ratliff*, 560 U.S. 586, 594 (2010).

**IT IS THEREFORE ORDERED THAT:**

1. Plaintiff’s Motion For Attorney Fees Under Equal Access To Justice Act, 28 U.S.C. §2412(d) (Doc. #17) is GRANTED;

2. The Commissioner shall pay Plaintiff's attorney fees under the EAJA in the total amount of \$3,451.14;
3. The Commissioner shall verify, **within thirty days of this Decision and Entry**, 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's counsel; and
4. The case remains terminated on the docket of this Court.

**IT IS SO ORDERED.**



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Walter H. Rice  
United States District Judge