

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

MICHAEL KELLEY,	:	Case No. 3:16-cv-393
	:	
Plaintiff,	:	Magistrate Judge Sharon L. Ovington
	:	(by full consent of the parties)
vs.	:	
	:	
COMMISSIONER OF THE SOCIAL SECURITY ADMINISTRATION,	:	
	:	
Defendant.	:	

DECISION AND ENTRY

This case is before the Court on the parties’ Joint Stipulation for an Award of Attorney’s Fees under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412. (Doc. #18). Specifically, the parties stipulate and petition this Court to enter an order awarding attorney fees in the amount of \$5,000.00 under the EAJA. This award will fully satisfy any and all of Plaintiff’s claims for fees, costs, and expenses under 28 U.S.C. § 2412, that may be payable in this case. Any fees paid belong to Plaintiff and can be offset to satisfy any pre-existing debt that Plaintiff owes the United States, pursuant to the decision in *Astrue v. Ratliff*, 560 U.S. 586, 130 S.Ct. 2521 (2010).

After the Court enters this award, if counsel for the parties can verify that Plaintiff owes no pre-existing debt subject to offset, Defendant agrees to direct that the award be made payable to Plaintiff’s attorney pursuant to the EAJA assignment duly signed by Plaintiff.

IT IS THEREFORE ORDERED THAT:

1. The Parties' Joint Stipulation for an Award of Attorney's Fees under the Equal Access to Justice Act (Doc. #18) is accepted and the Commissioner shall pay Plaintiff's attorney fees, costs, and expenses in the total amount of \$5,000.00;
2. Counsel for the parties 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 pursuant to the EAJA assignment signed by Plaintiff;
3. Plaintiff's Motion for Attorney Fees under the EAJA (Doc. #17) is denied as moot; and
4. The case remains terminated on the docket of this Court.

IT IS SO ORDERED.

June 29, 2018

s/Sharon L. Ovington

Sharon L. Ovington

United States Magistrate Judge