

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION**

Heather A. Orff,)
)
)
)
Plaintiff,)
)
)
Nancy A. Berryhill, Acting)
Commissioner of Social Security)
Administration,¹)
)
Defendant.)
_____)

Civil Action No.: 0:16-cv-01009-JMC

ORDER

This matter is before the court on Plaintiff’s Motion for Attorney’s Fees and Costs Pursuant to the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d). (ECF No. 28.) Defendant responded to Plaintiff’s Motion and the parties agreed to a stipulation that Plaintiff should be awarded four thousand six hundred fifty dollars (\$4,650.00) in attorney fees and sixteen dollars (\$16.00) in expenses. (ECF No. 29 at 1.) After reviewing Plaintiff’s Motion and Defendant’s Response, the court finds that the stipulated request for fees is reasonable.

In accordance with *Astrue v. Ratliff*, 560 U.S. 586, 589 (2010), EAJA fees awarded by this court belong to the litigant, thus subjecting EAJA fees to be offset under the Treasury Offset Program, 31 U.S.C. § 3716(c)(3)(B). Therefore, the court directs that fees be payable to Plaintiff and delivered to Plaintiff’s counsel. The amount of attorney’s fees payable to Plaintiff will be the balance of stipulated attorney’s fees remaining after subtracting the amount of Plaintiff’s outstanding federal debt. If Plaintiff’s outstanding federal debt exceeds the amount of attorney’s

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Nancy A. Berryhill is substituted for Carolyn Colvin as the named defendant because she became the Acting Commissioner of Social Security on January 23, 2017.

fees under the stipulation, the stipulated amount will be used to offset Plaintiff's federal debt and no attorney's fees shall be paid. (*See* ECF No. 29 at 1-2.)

After a thorough review of Plaintiff's Motion and Defendant's Response, the court **GRANTS** Plaintiff's Motion for Attorney's Fees (ECF No. 28), and Plaintiff shall be awarded \$4,666.00 in attorney's fees and expenses.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "J. Michelle Childs". The signature is written in a cursive style with a large initial "J" and a stylized "C".

United States District Judge

December 11, 2017
Columbia, South Carolina