IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA AIKEN DIVISION

Hommer T. Mills,)	C/A No.: 1:13-792-SVH
Plaintiff,)	
vs.)	ODDED
Carolyn W. Colvin, Acting)	ORDER
Commissioner of Social Security Administration,)	
Defendant.)	
)	

This matter is before the court on Plaintiff's motion for attorney's fees. [Entry #28]. On August 12, 2014, the court reversed the Commissioner's decision denying Plaintiff's claim for social security disability benefits and remanded the case for further administrative proceedings pursuant to sentence four 42 U.S.C. § 405(g). [Entry #26]. Plaintiff filed a timely request for fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 ("the EAJA"), in the amounts of \$4,731.11 for fees (18.2 hours at a rate of \$191.27 per hour for a total of \$3,481.11 for Robertson Wendt and 10 hours at a rate of \$125.00 per hour for a total of \$1,250.00 for Geoffrey Wendt) and \$350.00 for costs. [Entry #28]. Plaintiff and the Commissioner have agreed to an award of \$4,731.11 in attorneys' fees and \$350.00 in costs. [Entry #29].

Accordingly, the court grants the motion and directs the Commissioner to pay Plaintiff a total of \$5,081.00, which represents attorneys' fees in the amount of \$4,731.11 and costs in the amount of \$350.00. Such payment shall constitute a complete release from and bar to any and all further claims that Plaintiff may have under the EAJA to fees,

costs, and expenses incurred in connection with disputing the Commissioner's decision.

This award is without prejudice to the rights of Plaintiff's counsel to seek attorney fees

under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), subject to the offset

provisions of the EAJA.

Under Astrue v. Ratliff, 130 S.Ct. 2521, 2528–29 (2010), the EAJA fees awarded

by this court belong to Plaintiff and are subject to offset under the Treasury Offset

Program (31 U.S.C. § 3716(c)(3)(B) (2006)). In the event Plaintiff has no present debt

subject to offset and Plaintiff has executed a proper assignment to her counsel, Defendant

is directed to make the payment due herein to Plaintiff's counsel. If Plaintiff has no

present debt subject to offset and no proper assignment has been made by Plaintiff to her

counsel, Defendant is directed to make the check payable to Plaintiff and to deliver the

check to Plaintiff's counsel.

IT IS SO ORDERED.

September 25, 2014

Columbia, South Carolina

Shiva V. Hodges

United States Magistrate Judge

(Shiva V. Hodges

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