

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

Laura McElveen,)	C/A No.: 1:13-cv-1332-RBH
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Carolyn W. Colvin, Acting Commissioner)	
of Social Security,)	
)	
Defendant.)	
_____)	

On February 25, 2014, the plaintiff filed a motion for attorney's fees pursuant to the Equal Access to Justice Act ("EAJA"), 42 U.S.C. § 2412, on the basis that the position taken by the defendant in this action was not substantially justified. Defendant filed a response on March 6, 2014, in which she does not object to the amount requested. The Commissioner further indicates, in reference to the claimant's signed assignment of EAJA fees to his attorney, that fees awarded should be paid to the prevailing party and not the attorney and would be subject to the Treasury Offset Program if the prevailing party owes a debt to the government. The Commissioner states, however, that she will accept the assignment and pay the fees directly to Claimant's counsel "if it is subsequently shown at the time of the EAJA Order that the prevailing party owes no debt to the government that would be subject to offset." (ECF No. 20, p. 2)

Based on the foregoing and after considering the briefs and materials submitted by the parties, the court orders the defendant to pay the sum of \$6,115.56 in attorney's fees pursuant to EAJA. However, the payment shall be made payable to the claimant pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521 (2010) and mailed to her attorney .

IT IS SO ORDERED.

s/ R. Bryan Harwell

R. Bryan Harwell

United States District Judge

March 10, 2014

Florence, South Carolina