

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

Albertha H. West,)
)
 Plaintiff,)
)
 v.)
)
 Nancy A. Berryhill, Acting Commissioner)
 of Social Security Administration,)
)
 Defendant.)
 _____)

Civil Action No.: 1:17-cv-01265-JMC

ORDER

This matter is before the court upon Motion of Plaintiff, through her attorney, Robertson H. Wendt, Jr. (“Counsel”), for an award of \$7,742.15 in attorney’s fees under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412, filed on May 18, 2018. (ECF No. 28.) In a Response filed on May 31, 2018, Defendant notified the court that she does not oppose Plaintiff’s request for attorney’s fees in the amount listed above. (ECF No. 29.) However, the parties agreed to a stipulated amount of \$6,700.00 in attorney’s fees. (*Id.*) The court has reviewed Plaintiff’s Motion and Defendant’s Response and finds the stipulated request for fees reasonable.

In accordance with *Astrue v. Ratliff*, 560 U.S. 586 (2010), EAJA fees awarded by this court belong to the litigant and are subject to the Treasury Offset Program. 31 U.S.C. § 3716(c)(3)(B) (2006). Therefore, the court directs that fees be payable to Plaintiff and delivered to Plaintiff’s Counsel. The amount of attorney’s fees payable to Counsel 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 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.)

For the reasons set forth herein, after a thorough review of Plaintiff's Motion (ECF No. 28) and Defendant's Response (ECF No. 29), the court **GRANTS** Plaintiff's Motion for Attorney's Fees (ECF No. 28), and **AWARDS** Plaintiff \$6,700.00 in attorney's fees.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

July 10, 2018
Columbia, South Carolina