

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

Wendy M. Harvey,)
)
 Plaintiff,)
)
 v.)
)
 Carolyn W. Colvin, Acting Commissioner)
 of Social Security Administration,)
)
 Defendant.)
 _____)

Civil Action No. 5:15-cv-01491-JMC

ORDER

This matter is before the court upon motion of Plaintiff, through her attorneys, Hannah R. Metcalfe, Timothy Clardy, and Carole M. Dennison (collectively "Counsel"), for an award of attorney's fees under the Equal Access to Justice Act ("EAJA") and costs, 28 U.S.C. § 2412(d). (ECF No. 25.) Plaintiff's motion, filed on January 26, 2016, seeks reimbursement for Counsel's representation in the captioned matter in the amount of \$3,502.93 in attorney's fees for 18.9 hours at \$185.34 per hour plus any reasonable attorney's fees connected with future litigation. Defendant's response to Plaintiff's motion (ECF No. 26) demonstrates to the court that she does not oppose Plaintiff's request for fees in the amount stated herein. Specifically, Defendant does not object to the motion and only asks that the stipulated amount of attorney's fees payable to Plaintiff will be used to offset any outstanding debt the Commissioner determines Plaintiff owes. (ECF No. 26.)

The court has reviewed Plaintiff's counsel's fee petition and finds that Plaintiff is entitled to an award under the EAJA in the amount of \$3,502.93 for attorney's fees. See 28 U.S.C. §§ 2412(c)(1), 2414; *Shalala v. Schaefer*, 509 U.S. 292, 302–03 (1993). In accordance with *Astrue v. Ratliff*, 130 S. Ct. 2521, 2528–29 (2010), EAJA fees awarded by this court belong to the

litigant, thus subjecting EAJA fees to offset under the Treasury Offset Program (31 U.S.C. § 3716©(3)(B)(2006)) and, therefore the court directs that fees be payable to Plaintiff and delivered to Plaintiff's counsel.

Therefore, the court **GRANTS** Plaintiff's Motion for Attorney's Fees (ECF No. 25).

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

March 28, 2016
Columbia, South Carolina