

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

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|---|---|----------------------------|
| Mary Elizabeth Westbury, |) | C/A No.: 6:13-cv-01299-RBH |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | ORDER |
| |) | |
| Carolyn W. Colvin, Acting Commissioner of Social Security, |) | |
| |) | |
| Defendant. |) | |
| |) | |

On May 9, 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 May 27, 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.

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 \$2,906.13 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, with a copy to the claimant.

IT IS SO ORDERED.

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge

May 27, 2014
Florence, South Carolina