

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

MONIQUE BURER,

Plaintiff,

v.

Case No.: 8:23-cv-108-AAS

**KILOLO KIJAKAZI, Acting
Commissioner of Social Security
Administration,**

Defendant.

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ORDER

Monique Burer moves for attorney's fees and costs under the Equal Access to Justice Act (EAJA), 28 U.S.C. Section 2412. (Doc. 27). The Commissioner does not oppose the motion. (*Id.* at 3).

Ms. Burer requests \$4,846.25 in attorney's fees. (*Id.* at 1). The EAJA permits awards for reasonable attorney's fees and costs to a prevailing party against the United States. 28 U.S.C. § 2412. A September 14, 2023 order remanded the Commissioner's final decision under sentence four of 42 U.S.C. Section 405(g) for further administrative proceedings. (Doc. 25). The Clerk entered judgment in favor of Ms. Burer. (Doc. 26).

The Commissioner does not contest the following: Ms. Burer is the prevailing party; the Commissioner's position was not substantially justified; and Ms. Burer's attorney's fees request is reasonable. (Doc. 27, pp. 1–3). A court

should grant a Social Security claimant's request for attorney's fees when it is unopposed. *See Jones v. Colvin*, No. 8:13-CV-2900-T-33AEP, 2015 WL 7721334 (M.D. Fla. Nov. 30, 2015) (awarding unopposed attorney's fees request). Thus, Ms. Burer is entitled to \$4,846.25 in attorney's fees.

Attorney's fees awarded to a claimant under the EAJA can be offset to satisfy the claimant's pre-existing debt to the United States. *Astrue v. Ratliff*, 560 U.S. 586, 589 (2010). Following an order, the United States Department of the Treasury will determine whether Ms. Burer owes a debt to the United States. Ms. Burer assigned her rights to EAJA fees to her attorney. (Doc. 29). So, if Ms. Burer has no federal debt, the United States will accept her assignment of EAJA fees and pay the fees directly to counsel.

Accordingly, it is **ORDERED** that Ms. Burer's motion for attorney's fees under the EAJA (Doc. 27) be **GRANTED**. Ms. Burer is awarded **\$4,846.25** in attorney's fees.

ORDERED in Tampa, Florida on December 5, 2023.



AMANDA ARNOLD SANSONE
United States Magistrate Judge