

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

SHERRY LYNN HAVARD,

Plaintiff,

v.

Case No.: 8:24-cv-00365-AAS

MARTIN O'MALLEY,  
Commissioner of Social Security  
Administration,

Defendant.

---

**ORDER**

Sherry Lynn Havard moves for attorney's fees and costs under the Equal Access to Justice Act (EAJA), 28 U.S.C. Section 2412. (Doc. 21). The Commissioner does not oppose the motion. (*Id.*, p. 4).

Ms. Havard requests \$8,269.80 in attorney's fees. 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 June 4, 2024 order remanded the Commissioner's final decision under sentence four of 42 U.S.C. Section 405(g) for further administrative proceedings. (Doc. 18). The Clerk of Court entered judgment in favor of Ms. Havard. (Doc. 19).

The Commissioner does not contest the following: Ms. Havard is the prevailing party; the Commissioner's position was not substantially justified; and Ms. Havard's attorney's fees request is reasonable. (Doc. 21, pp. 6–7). 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. Havard is entitled to \$8,269.80 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. Havard owes a debt to the United States. Ms. Havard assigned her rights to EAJA fees to her attorney. (Doc. 21-2). So, if Ms. Havard has no federal debt, the United States will accept her assignment of EAJA fees and pay the fees directly to counsel.

Accordingly, Ms. Havard motion for attorney's fees under the EAJA (Doc. 21) is **GRANTED**. Ms. Havard is awarded **\$8,269.80**.

**ORDERED** in Tampa, Florida on August 8, 2024.



---

AMANDA ARNOLD SANSONE  
United States Magistrate Judge