

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

Michael James Black v. Commissioner of Social Security

Michael James Black v. Commissioner of Social Security · No. 3:25-cv-01009-JR · Decided January 20, 2026

SUMMARY

The United States District Court for the District of Oregon ordered an award of \$620.30 in attorney fees to the plaintiff under the Equal Access to Justice Act. The order provides that payment is subject to verification of any qualifying federal debt and may be disbursed to the plaintiff’s attorney or, after offset, to the plaintiff.

CASE DETAILS

COURT	United States District Court for the District of Oregon
WRITING FOR THE COURT	Jolie A. Russo
JURISDICTION	United States District Court for the District of Oregon
DECIDED	January 20, 2026
DOCKET	3:25-cv-01009-JR
DISPOSITION	other
PROCEDURAL POSTURE	Order awarding attorney fees to Plaintiff under the Equal Access to Justice Act in connection with the Social Security case.
PRECEDENTIAL VALUE	Unknown

TOPICS

- attorney fees
- administrative law
- remedies
- civil procedure

PRACTICE AREAS

- administrative law
- social security
- attorney fees

QUESTIONS PRESENTED

- Whether Plaintiff should receive an attorney-fee award under the Equal Access to Justice Act.
- Whether the fee award should be paid to Plaintiff’s attorney subject to verification of, and possible offset for, qualifying federal debt.

HOLDINGS

1. Plaintiff was awarded \$620.30 in attorney fees pursuant to the Equal Access to Justice Act.
2. The fee award may be paid to Plaintiff's attorney if verification establishes that Plaintiff has no debt qualifying for offset under the Treasury Offset Program; if such debt exists, remaining funds after offset are payable to Plaintiff.

KEY QUOTATIONS

"It is hereby ORDERED that attorney fees in the amount of \$620.30 shall be awarded to Plaintiff pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412."

"Attorney fees will be paid to Plaintiff's attorney, dependent upon verification that Plaintiff has no debt which qualifies for offset against the awarded fees, pursuant to the Treasury Offset Program as discussed in Astrue v. Ratliff, 130 S.Ct. 2521 (2010)."

FACTUAL BACKGROUND

The underlying action involved Plaintiff's claim for review of a Social Security administrative decision. The court awarded \$620.30 in attorney fees under the Equal Access to Justice Act and specified how payment would be handled depending on whether Plaintiff had a qualifying debt subject to Treasury offset.

PROCEDURAL HISTORY

The District of Oregon entered an order awarding Plaintiff \$620.30 in attorney fees under the Equal Access to Justice Act. The order directs that payment be made to Plaintiff's attorney subject to verification and possible offset for qualifying federal debt.

DISPOSITION

other

CASES CITED

- Astrue v. Ratliff, 130 S. Ct. 2521 (2010)

OPINION

UNITED STATES DISTRICT COURT DISTRICT OF OREGON MICHAEL JAMES BLACK, 3:25-cv-01009-JR Plaintiff, vs. ORDER COMMISSIONER OF SOCIAL SECURITY, Defendant. It is hereby ORDERED that attorney fees in the amount of \$620.30 shall be awarded to Plaintiff pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. Attorney fees will be paid to Plaintiff's attorney, dependent upon verification that Plaintiff has no debt which qualifies for offset against the awarded fees, pursuant to the Treasury Offset Program as discussed in Astrue v. Ratliff, 130 S.Ct.

2521 (2010). If Plaintiff has no such debt, then the fees shall be delivered via electronic funds transfer or by check made out to Plaintiff's attorney Kevin Kerr, and mailed to Plaintiff's

attorney's office as follows: NW Disability benefits, LLC dba Kerr Robichaux & Carroll (TID 85-3999428), P.O. Box 14490, Portland, OR 97293. If Plaintiff has a debt, then any remaining funds after offset of the debt shall be made payable to Plaintiff and sent via electronic funds transfer or by check mailed to Plaintiff's attorney's office at the address stated above.

DATED this 20th day of January, 2026. /s_/_ J_o_l_i_e_ A_. _R_u_s_s_o_
Jolie A. Russo United States Magistrate Judge Submitted by: Kevin Kerr, OSB #080934
kevin.kerr@GetSSD.com Kerr Robichaux & Carroll PO Box 14490 Portland, Oregon 97293
Phone: 503-255-9092 Fax: 503-255-9145 Attorney for Plaintiff