

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Kenneth M. v. Commissioner of Social Security

Kenneth M. · No. 3:24-cv-02704-GCS · Decided December 17, 2025

SUMMARY

The United States District Court for the Southern District of Illinois granted Plaintiff’s application for \$4,116.14 in attorney fees and expenses under the Equal Access to Justice Act. The order states that the award belongs to Plaintiff, may be offset against qualifying federal debts, and may be paid to counsel pursuant to the plaintiff’s assignment if no offset applies.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	Gilbert C. Sison
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	December 17, 2025
DOCKET	3:24-cv-02704-GCS
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for an award of attorney fees and expenses under the Equal Access to Justice Act. The Commissioner did not dispute the reasonableness of the requested amount.
PRECEDENTIAL VALUE	unknown
PARTIES	Kenneth M. v. Commissioner of Social Security

TOPICS

- attorney fees
- administrative law
- remedies
- civil procedure

PRACTICE AREAS

- administrative law
- social security
- attorney fees
- remedies

QUESTIONS PRESENTED

- Whether Plaintiff should receive an award of \$4,116.14 in attorney fees and expenses under the Equal Access to Justice Act.

2. Whether any EAJA award is payable to Plaintiff, subject to offset for qualifying pre-existing federal debt, with payment to assigned counsel if no offset applies.

HOLDINGS

1. The court granted Plaintiff's application and awarded \$4,116.14 in attorney fees and expenses under the Equal Access to Justice Act.
2. The EAJA award belongs to Plaintiff and may be offset to satisfy any pre-existing debt Plaintiff owes the United States; if no qualifying debt exists, the award may be made payable to assigned counsel pursuant to the assignment.

KEY QUOTATIONS

“The Court GRANTS the motion.” (Page 1)

“Any fees paid belong to Plaintiff and not Plaintiff’s attorney and can be offset to satisfy any pre-existing debt that the litigant owes the United States.” (Page 1)

FACTUAL BACKGROUND

Plaintiff sought \$4,116.14 in attorney fees and expenses under the Equal Access to Justice Act. The Commissioner responded that the requested fee was reasonable and did not dispute the award. The court also addressed payment to Plaintiff, possible offset for pre-existing federal debt, and payment to assigned counsel if no offset applied.

PROCEDURAL HISTORY

After the underlying Social Security matter, Plaintiff filed an application for EAJA fees and expenses. The court granted the application and awarded \$4,116.14.

DISPOSITION

other

CASES CITED

- Astrue v. Ratliff, 560 U.S. 586 (2010)

OPINION

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS
KENNETH M.1)) Plaintiff,)) vs.) Civil No. 3:24-cv-02704-GCS) COMMISSIONER of
SOCIAL) SECURITY,)) Defendant.) MEMORANDUM & ORDER SISON, Magistrate Judge:
Pending before the Court is Plaintiff’s application for award of fees pursuant to the Equal Access to Justice Act (“EAJA”). (Doc.

32). Specifically, Plaintiff seeks \$4,116.14 in fees and expenses. Defendant filed a response indicating that it does not dispute that the fee is reasonable. The Court GRANTS the motion. Pursuant to the EAJA, it is hereby ordered that Plaintiff is awarded \$4,116.14 for attorney fees and expenses in full satisfaction of any and all claims for attorney fees and expenses that may be payable to Plaintiff in this matter under the EAJA, 28 U.S.C. § 2412.

Any fees paid belong to Plaintiff and not Plaintiff's attorney and can be offset to satisfy any pre-existing debt that the litigant owes the United States. See *Astrue v. Ratliff*, 560 U.S. 586 1 Plaintiff's full name will not be used in this Memorandum & Order due to privacy concerns. See FED. R. CIV. PROC. 5.2(c) and the Advisory Committee Notes thereto. Page 1 of 2 (2010).

If Defendant can verify that Plaintiff does not owe a pre-existing debt to the government subject to the offset, Defendant will direct that the award be made payable to Jennifer M. Van Fossan pursuant to the EAJA assignment duly signed by Plaintiff. If payment is mailed, as compared to electronically deposited, it shall be mailed to counsel's address of record: Dennis W. Fox & Associates 211 North Broadway, Suite 2400 St. Louis, MO 63102 IT IS SO ORDERED.

Digitally signed by DATED: December 17, 2025. ~ Judge Sison Shlod ed. Date: 2025.12.17 12:16:21 -06'00' GILBERT C. SISON United States Magistrate Judge Page 2 of 2