

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

David A. v. Commissioner of Social Security

David A. · No. 3:25-cv-01304-GCS · Decided April 13, 2026

SUMMARY

The United States District Court for the Southern District of Illinois grants Plaintiff’s application for attorney fees and expenses under the Equal Access to Justice Act. The Court awards \$7,050.08, subject to offset for any qualifying pre-existing federal debt, and directs payment to counsel if no offset applies and an assignment is verified.

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	April 13, 2026
DOCKET	3:25-cv-01304-GCS
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for attorney fees and expenses under the Equal Access to Justice Act after resolution of the underlying Social Security action. The Commissioner did not dispute the reasonableness of the requested fee.
PRECEDENTIAL VALUE	Unpublished district court memorandum and order; precedential status is unknown.
PARTIES	David A. v. Commissioner of Social Security

TOPICS

- attorney fees
- administrative law
- remedies
- civil procedure

PRACTICE AREAS

- Social Security
- administrative law
- attorney fees
- remedies

QUESTIONS PRESENTED

1. Whether Plaintiff was entitled to an award of \$7,050.08 in attorney fees and expenses under the Equal Access to Justice Act.
2. Whether an EAJA fee award belongs to the litigant and may be offset against the litigant's pre-existing federal debt before payment is made to counsel under an assignment.

HOLDINGS

1. Plaintiff was entitled to \$7,050.08 in attorney fees and expenses under the Equal Access to Justice Act because the Commissioner did not dispute that the requested fee was reasonable.
2. An EAJA fee award belongs to the plaintiff and may be offset to satisfy the plaintiff's pre-existing debt to the United States; if no qualifying debt exists, the government may direct payment to counsel pursuant to a valid EAJA assignment.

KEY QUOTATIONS

“Pursuant to the EAJA, it is hereby ordered that Plaintiff is awarded \$7,050.08 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.” (p. 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.” (p. 1)

FACTUAL BACKGROUND

Plaintiff sought an award of \$7,050.08 in attorney fees and expenses under the Equal Access to Justice Act. The Commissioner did not contest the reasonableness of the requested amount. The court directed that payment be made to Plaintiff, subject to offset for any qualifying pre-existing debt owed to the United States, and potentially payable to Plaintiff's counsel if no offset applied and the EAJA assignment was valid.

PROCEDURAL HISTORY

David A. filed an application for \$7,050.08 in attorney fees and expenses under the EAJA. The Commissioner responded that the requested fee was reasonable, and the district court granted the application in full.

DISPOSITION

other

CASES CITED

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

OPINION

Anglin

PER CURIAM.

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF ILLINOIS

David A.1)) Plaintiff,)) vs.) Civil No. 3:25-cv-01304-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. 28). Specifically, Plaintiff seeks \$7,050.08 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 \$7,050.08 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 Cody Marvin 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: Marvin & Associates, P.C. 630 Davis Street, Suite 300 Evanston, IL 60201 IT IS SO ORDERED. Digitally signed by . i . Judge Sison DATED: April 13, 2026. ps Sint ☐☐ Do Date: 2026.04.13 11:20:38 -05'00'

GILBERT C. SISON

United States Magistrate Judge Page 2 of 2