

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

Patricia Miller v. Commissioner, Social Security Administration

Miller · No. 36:25-CV-01024-SI · Decided May 4, 2026

SUMMARY

The United States District Court for the District of Oregon awarded Patricia Miller \$8,000 in attorney fees under the Equal Access to Justice Act. The order explains that the fees belong to the plaintiff and may be subject to offset under the Treasury Offset Program, with payment to counsel contingent on assignment, absence of qualifying debt, and waiver of the Anti-Assignment Act.

CASE DETAILS

COURT	United States District Court for the District of Oregon
WRITING FOR THE COURT	Michael H. Simon
JURISDICTION	United States District Court for the District of Oregon
DECIDED	May 4, 2026
DOCKET	36:25-CV-01024-SI
DISPOSITION	other
PROCEDURAL POSTURE	Order resolving the parties' stipulated motion for attorney fees under the Equal Access to Justice Act.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order
PARTIES	Patricia Miller v. Commissioner, Social Security Administration

TOPICS

- attorney fees
- administrative law
- remedies
- civil procedure

PRACTICE AREAS

- Social Security
- administrative law
- attorney fees

QUESTIONS PRESENTED

- Whether the plaintiff should receive an award of attorney fees under the Equal Access to Justice Act.
- Whether EAJA fees should be payable to the plaintiff or directly to the plaintiff's attorney, and how any Treasury Offset Program debt affects payment.

HOLDINGS

1. The plaintiff is awarded \$8,000 in attorney fees under the Equal Access to Justice Act.
2. EAJA fees awarded by the court belong to the plaintiff and are subject to offset under the Treasury Offset Program; payment may be made to the plaintiff's attorney only if the plaintiff assigned the fees, the plaintiff has no qualifying debt, and the Commissioner waives the Anti-Assignment Act requirements.

KEY QUOTATIONS

“Under Astrue v. Ratliff, 130 S. Ct. 2521, 2528-29 (2010), EAJA fees awarded by this Court belong to the Plaintiff and are subject to offset under the Treasury Offset Program” (Order)

FACTUAL BACKGROUND

The parties submitted a stipulated motion for attorney fees under the Equal Access to Justice Act in this Social Security case. The district court found good cause to award fees and ordered that the \$8,000 award be made to the plaintiff, subject to any applicable Treasury Offset Program debt and potential payment to the plaintiff's attorney if the statutory and assignment-related conditions were satisfied.

PROCEDURAL HISTORY

The plaintiff sought attorney fees under the Equal Access to Justice Act. The district court granted the parties' stipulated motion and awarded the plaintiff \$8,000 in EAJA fees, subject to the conditions concerning debt offset and assignment described in the order.

DISPOSITION

other

CASES CITED

- Astrue v. Ratliff, 130 S. Ct. 2521, 2528-29 (2010)

OPINION

Patricia Miller v. Commissioner, Social Security Administration

PER CURIAM.

Rory J. Linerud, OSB # 970061 Rory@LinerudLawFirm; rorylinrud@hotmail.com Linerud Law Firm PO Box 5734 Salem, OR 97304 Phone: (971) 218-6954 Attorney for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

PATRICIA MILLER,)

) Plaintiff,)) v.) CIVIL No. 36:25-CV-01024-SI)

COMMISSIONER, SOCIAL) ORDER AWARDING FEES

SECURITY ADMINISTRATION,) PURSUANT TO THE EQUAL
) ACCESS TO JUSTICE ACT

) Defendant.) For the reasons set forth in the parties' stipulated motion for attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, et seq., and good cause shown, IT IS HEREBY ORDERED AS FOLLOWS: Plaintiff is hereby awarded \$8,000.00 in fees under the EAJA. Under *Astrue v. Ratliff*, 130 S. Ct. 2521, 2528-29 (2010), EAJA fees awarded by this Court belong to the Plaintiff and are subject to offset under the Treasury Offset Program (31 U.S.C. § 3716(c)(3)(B) (2006)). Any EAJA fees should therefore be awarded to Plaintiff and not to Plaintiff's attorney. If, after receiving the Court's EAJA fee order, the Commissioner (1) determines that Plaintiff has assigned his right to EAJA fees to his attorney; (2) determines that Plaintiff does not owe a debt that is subject to offset under the Treasury Offset Program, and (3) agrees to waive the requirements of the Anti-Assignment Act, then the EAJA fees will be made payable to Plaintiff's attorney. However, if there is a debt owed under the Treasury Offset Program, the Commissioner cannot agree to waive the requirements of the Anti-Assignment Act, and the remaining EAJA fees after offset will be paid by a check or electronic fund transfer (EFT) made out to Plaintiff but delivered to Plaintiff's attorney. IT IS SO ORDERED. DATED this 4th day of _ May , 2026. Lh fast MICHAEL H. SIMON

UNITED STATES DISTRICT COURT JUDGE

Presented by: /s/ Rory J. Linerud

RORY J. LINERUD

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ORDER - EAJA FEES