

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.

OPINION

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 Oregon State Bar #970061 Attorney for Plaintiff Linerud

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Rory@LinerudLawFirm.com Fax: (503)877-6691 ORDER - EAJA FEES

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