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**AND ASSOCIATES**  
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Attorney for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LAURIE PAUER,	)	
	)	Case No. 5:15-cv-05081-BLF
Plaintiff,	)	
	)	
v.	)	
	)	JOINT STIPULATION TO AWARD
CAROLYN W. COLVIN,	)	PLAINTIFF ATTORNEY FEES
Acting Commissioner of	)	UNDER THE EQUAL ACCESS
Social Security,	)	TO JUSTICE ACT AND <del>PROPOSED</del>
	)	ORDER
Defendant.	)	
	)	

On June 2, 2016 this Court issued an order reversing the final decision of the Defendant, Carolyn W. Colvin, the Acting Commissioner of Social Security (Commissioner), with a remand for a rehearing. Judgment for Plaintiff was entered on that same date.

In the interest of administrative and judicial economy, the parties have agreed to stipulate that an award of FIVE THOUSAND, SIX HUNDRED DOLLARS (\$5,600.00) in attorney fees and FOUR HUNDRED (\$400.00) in costs under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), are reasonable in this case. This award is without prejudice to Plaintiff’s right to seek attorney’s fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), subject to the offset provisions of the EAJA. However, this award shall constitute a complete release from and bar to any and all claims Plaintiff may have relating to EAJA fees and costs in

1 connection with this action. Further, such award shall not be used as precedent in any future  
2 cases, nor be construed as a concession by the Commissioner that the original administrative  
3 decision denying benefits to Plaintiff was not substantially justified.

4 Under Astrue v. Ratliff, 560 U.S. 586 (2010), EAJA fees awarded by this Court belong to  
5 the Plaintiff and are subject to offset under the Treasury Offset Program (31 U.S.C. §  
6 3716(c)(3)(B) (2006)). This Court should therefore order the EAJA fees to be paid to Plaintiff.  
7 The Commissioner recognizes that Plaintiff assigned his right to EAJA fees to her attorney. If,  
8 after receiving the Court's EAJA fee order, the Commissioner (1) determines that Plaintiff does  
9 not owe a debt that is subject to offset under the Treasury Offset Program; and (2) agrees to  
10 waive the requirements of the Anti-Assignment Act, then the EAJA fees will be made payable to  
11 Plaintiff's attorney. However, if there is a debt owed under the Treasury Offset Program, the  
12 Commissioner does not waive the requirements of the Anti-Assignment Act, and the remaining  
13 EAJA fees after offset will be paid by a check made out to Plaintiff but delivered to Plaintiff's  
14 attorney.

15 Accordingly, Defendant agrees to pay Plaintiff \$5,600.00 in attorney's fees and \$400.00  
16 in costs.

17 All parties whose signature lines appear in this document have consented to its filing.

18 Dated: August 1, 2016

By: s/ Harvey P. Sackett  
HARVEY P. SACKETT  
Attorney for Plaintiff  
LAURIE PAUER


BRIAN STRETCH  
United States Attorney  
DEBORAH L. STACHEL  
Acting Regional Chief Counsel, region IX  
Social Security Administration

24 Dated: August 1, 2016

By: s/ Jennifer Tarn  
JENNIFER TARN  
Special Assistant United States Attorney  
(as authorized via e-mail 7/1/16)  
Attorneys for Defendant

1 IT IS SO ORDERED.

2 Dated:

  
HON. BETH LABSON FREEMAN  
United States District Court Judge

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