

UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO
Judge John L. Kane

Civil Action No. 12-cv-00690-AP

EDNA AIELLO,

Plaintiff,

v.

MICHAEL ASTRUE,
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER

This matter comes before me on the parties' **Stipulated Motion for an Award of Attorney Fees Pursuant to the Equal Access to Justice Act, 28 U.S.C. §2412(d)** filed September 14, 2012. Having reviewed the motion and file, I conclude that the motion should be granted and fees should be awarded to the Plaintiff.

THEREFORE, IT IS ORDERED as follows:

1. The parties' Stipulated Motion for an Award of Attorney Fees Pursuant to the Equal Access to Justice Act [EAJA], 28 U.S.C. §2412(d) is GRANTED; and
2. The Defendant shall pay to Plaintiff reasonable attorney fees in the amount of \$5,127.69. This award is without prejudice to Plaintiff's attorney's right to seek attorney fees pursuant to section 206(b) of the Social Security Act [42 U.S.C. §406(b)] subject to the offset provisions of the EAJA.

3. That payment shall be made payable to the Plaintiff and delivered to Plaintiff's counsel [see *Astrue v. Ratliff*, 130 S.Ct. 25621 (2010)], subject to the Treasury Offset program [31 U.S.C. §3716(c)(3)(B) (2006)].
4. If it is determined upon effectuation of this Order that Plaintiff does not owe a debt that is subject to offset under the Treasury Offset Program, the Commissioner will consider the propriety of directing payment to the Plaintiff's attorney pursuant to the Plaintiff's assignment. If there is such a debt, any fee remaining after offset will be payable to Plaintiff and delivered to Plaintiff's attorney.

DATED: September 14, 2012

s/John L. Kane
John L. Kane
United States District Judge