

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Senior Judge Wiley Y. Daniel**

Civil Action No. 13-cv-02595-WYD

DENNIS J. DWIER,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting Commissioner of Social Security,

Defendant.

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**ORDER**

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THIS MATTER comes before the Court on the parties' Stipulated Motion for Attorney Fees Pursuant to the Equal Access to Justice Act filed June 16, 2015. The Court, having reviewed the motion and being fully advised in the premises,

ORDERS that the Stipulated Motion for Attorney Fees [ECF No. 21] filed June 16, 2015, is **GRANTED**. In accordance therewith, it is

ORDERED that Plaintiff is awarded **\$4,200.00** in attorney fees pursuant to the Equal Access to Justice Act. Payment of this amount shall constitute a complete release from and bar to any and all claims Plaintiff may have relating to EAJA fees and costs in connection with this action. This award shall not be used as precedent in any future cases, nor be construed as a concession by the Commissioner that the original administrative decision denying benefits to Plaintiff was not substantially justified. It is

FURTHER ORDERED that the EAJA 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. See 28 U.S.C. § 2412(c)(1) (2006). It is

FURTHER ORDERED that if, after receiving the Court's EAJA fee order, the Commissioner (1) determines upon effectuation of the Court's EAJA fee order that Plaintiff does not owe a debt that is subject to offset under the Treasury Offset Program, and (2) agrees to waive the requirements of the Anti-Assignment Act, the fees will be made payable to Plaintiff's attorney. However, if there is a debt owed under the Treasury Offset Program, the Commissioner does not agree to waive the requirements of the Anti-Assignment Act, and the remaining EAJA fees after offset will be paid by a check made out to Plaintiff but delivered to Plaintiff's attorney.

Dated: June 16, 2015

BY THE COURT:

s/ Wiley Y. Daniel  
Wiley Y. Daniel  
Senior United States District Judge