

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Raymond P. Moore**

Civil Action No. 1:14-cv-02637-RM

RAUL A. MORENO,

Plaintiff,

vs.

CAROLYN W. COLVIN, Acting Commissioner of Social Security,

Defendant.

**ORDER GRANTING
STIPULATED MOTION FOR FEES UNDER THE EQUAL ACCESS TO JUSTICE ACT**

Upon consideration of the parties' Stipulated Motion for Fees Under the Equal Access to Justice Act (the "Motion") (ECF No. 23), the Statement of Attorney Time Expended David F. Chermol, Esquire (ECF No. 25), the requirements of the Equal Access to Justice Act ("EAJA"), and being otherwise fully advised, the Motion (ECF No. 23) is **GRANTED**. It is **ORDERED** that Defendant shall pay Plaintiff \$5,600.00 in attorney fees. Payment of this amount shall constitute a complete release from and bar to any and all claims Plaintiff may have relating to EAJA fees in connection with this action. However, the EAJA award is without prejudice to any right of Plaintiff's attorney to seek attorney fees pursuant to Social Security Act § 206(b), 42 U.S.C. § 406(b), subject to the offset provisions of the EAJA. *See* 28 U.S.C. § 2412(c)(1) (2006).

Under *Astrue v. Ratliff*, 560 U.S. 586, 595-98 (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) (2006)). Thus, fees should be paid to Plaintiff. However, Plaintiff's attorney has represented that Plaintiff has assigned his right to EAJA fees to his attorney. Thus, if, after receiving the Court's EAJA fee order, the Commissioner (1) determines 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, 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 will pay the remaining EAJA fees after offset by a check made out to Plaintiff but delivered to Plaintiff's attorney.

DATED this 4th day of May, 2016.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Raymond P. Moore", written over a horizontal line.

RAYMOND P. MOORE
United States District Judge