

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-60030-CIV-MIDDLEBROOKS/LYNCH

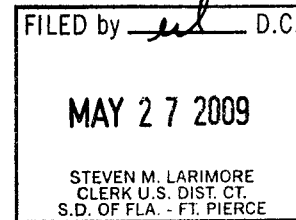
JILL LETTLIER,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social
Security Administration,

Defendant.



**REPORT AND RECOMMENDATION ON PLAINTIFF'S APPLICATION
FOR AWARD OF ATTORNEY'S FEES [D.E. #22]**

THIS CAUSE having come on to be heard upon the aforementioned Application For Attorney's Fees and this Court having reviewed the motion and the Commissioner's response, and otherwise being fully advised, recommends to the District Court as follows:

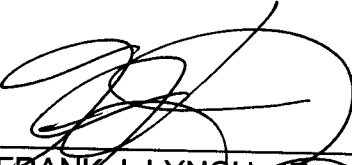
1. Plaintiff's counsel requests attorney's fees in the amount of \$5,903.38 which represents 8.80 hours of work performed in 2008 at \$172.85 per hour and 25.65 hours of work performed in 2009 at \$170.85 per hour.
2. The Commissioner's response states that he does not object to a payment of fees in that amount.
3. Additionally, the Commissioner's response states that the Commissioner does not object to the payment of the attorney's fees directly to the Plaintiff's counsel, but that such payment will not prevent the United States Department of Treasury from applying any such attorney's fees to offset any debt owed by the Plaintiff. This Court is not aware of any debt that may or may not be owed by the Plaintiff to the U. S. Treasury in this regard

or in any other regard. The pleadings are silent in that respect. As a result, this Court finds that based upon the Commissioner's response concerning the purported assignment of fees by the Plaintiff to his attorney, that the fees may be paid directly to the attorney and by doing so this Court is not making any ruling concerning any offset which may or may not be owed by the Plaintiff to the United States Department of Treasury.

ACCORDINGLY, this Court recommends that the Plaintiff be awarded the sum of \$5,903.38 as reasonable attorney's fees which may be paid directly to Plaintiff's attorney.

The parties shall have ten (10) days from the date of this Report and Recommendation within which to file objections, if any, with the Honorable Donald M. Middlebrooks, United States District Judge assigned to this case.

DONE AND SUBMITTED this 27th day of May, 2009, at Fort Pierce, Northern Division of the Southern District of Florida.


FRANK J. LYNCH, JR.
UNITED STATES MAGISTRATE JUDGE

Copies furnished:
Hon. Donald M. Middlebrooks
AUSA Carole M. Fernandez
Adam S. Neidenberg, Esq.