

**IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF ILLINOIS, SPRINGFIELD DIVISION**

DEANA LYNN ETTLING,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 15-cv-3002
	)	
CAROLYN W. COLVIN,	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

**OPINION**

TOM SCHANZLE-HASKINS, U.S. MAGISTRATE JUDGE:

This matter comes before the Court on Plaintiff Deana Lynn Ettling’s Motion for Attorney’s Fees Pursuant to the Equal Access to Justice Act, 28 U.S.C. §2412 (d/e 17). The parties have consented, pursuant to 28 U.S.C. §636(c), to proceed before this Court. Consent to Proceed Before a United States Magistrate Judge, and Order of Reference entered October 16, 2015 (d/e 12).

Plaintiff prevailed in this matter and now requests an award of attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. §2412(d). The Plaintiff’s Motion (d/e 17) was filed and served on February 15, 2016. On February 29, 2016, the parties filed a Stipulation for Attorney Fees Pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. §2412

(d/e 18) wherein the parties agreed to an award to Plaintiff of attorney fees in the amount of \$3,885.00 and costs in the amount of \$0 in full satisfaction and settlement of any and all claims Plaintiff may have under the EAJA in the above case.

The Court has reviewed the parties' stipulation and determines that the request of \$3,885.00 in attorney fees and \$0 in costs is reasonable and appropriate in this case. The Plaintiff's Motion (d/e 17) is therefore DENIED as moot based upon the parties Stipulation (d/e 18).

The Stipulation states that the parties request that any fees paid be paid directly to the Plaintiff, and not be assigned to her attorney. The fees paid to Plaintiff would be offset to satisfy pre-existing debt that Plaintiff owes the United States. Plaintiff has provided Defendant with an assignment of the fees. If it can be verified that Plaintiff does not owe pre-existing debt subject to offset, Defendant will direct payment of the award to Plaintiff's attorney pursuant to the EAJA assignment. See Astrue v. Ratliff, 560 U.S. 586, 130 S.Ct. 2521 (2010). The Commissioner will therefore pay the amount of the award that is not subject to offset directly to Plaintiff's attorney.

WHEREFORE, Plaintiff Deana Lynn Ettling's Motion for Attorney's Fees Pursuant to the Equal Access to Justice Act, 28 U.S.C. §2412

(d/e 17) is DENIED. Pursuant to the parties' Stipulation for Attorney Fees (d/e 18), the Court awards Plaintiff Deena Lynn Ettling \$3,885.00 in attorney fees and \$0 in costs. Plaintiff has provided Defendant with an assignment of the fees. If it can be verified that Plaintiff does not owe pre-existing debt subject to offset, Defendant will direct payment of the award to Plaintiff's attorney, Peter C. Drummond.

ENTER: March 1, 2016

s/ Tom Schanzle-Haskins  
UNITED STATES MAGISTRATE JUDGE