

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION**

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|----------------------------------|---|---------------------------|
| JIMMY E. DODD, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 07-5100-SSA-CV-SW-WAK |
| |) | |
| MICHAEL J. ASTRUE, Commissioner, |) | |
| Social Security Administration, |) | |
| |) | |
| Defendant. |) | |

ORDER

On April 21, 2010, plaintiff filed a Motion To Authorize Payment of Attorney Fees Performed at Administrative Levels of Review. This motion requested this court approve the fee agreement between plaintiff and plaintiff’s counsel, authorize the Social Security Administration to pay attorney fees in the amount of \$5,300.00 to plaintiff’s counsel, and direct the Social Security Administration to remit to plaintiff any remainder of backpay benefits withheld.

Defendant has responded in opposition. Defendant argues that plaintiff’s counsel has filed his motion for 42 U.S.C. § 406(a) fees in the wrong venue. Defendant states plaintiff’s counsel should submit his request for attorney fees for services performed before the Social Security Administration to the Attorney Fee Officer in the Office of Hearings and Appeals.

Plaintiff responded to defendant’s objection to the payment of fees, noting the language contained in the letter received by plaintiff’s counsel from the Commissioner. The letter from the Commissioner instructed plaintiff’s counsel to forward his petition to the U.S. District Court and the Attorney Fee Officer. Plaintiff states he has followed these instructions.

In response to the filings, on May 25, 2010, this court ordered plaintiff’s counsel to file a status report on his request to the Attorney Fee Officer for payment of attorney fees for services rendered at the administrative levels of review.

On June 9, 2010, plaintiff filed a status report with supporting exhibits showing multiple attempts to contact the Attorney Fee Department by telephone, fax and certified mail, with no response.

In light of the Commissioner's refusal to respond to plaintiff's legitimate request for attorney fees for services performed before the Social Security Administration,

IT IS, ORDERED that plaintiff's Motion to Authorize Payment of Attorney Fees Performed at the Administrative Level of Review is granted. [29] It is further

ORDERED that the fee agreement between plaintiff and plaintiff's counsel is approved and the Social Security Administration is hereby authorized to pay attorney fees in the amount of \$5,300.00 to plaintiff's counsel, and to remit to plaintiff any remainder of backpay benefits withheld. It is further

ORDERED that the Clerk of Court forward a copy of this Court's Order to the Office of General Counsel for the Social Security Administration.

Dated this 29th day of June, 2010, at Jefferson City, Missouri.

/s/ William A. Knox

WILLIAM A. KNOX
United States Magistrate Judge