

Case No. 1:12-CV-02088

Gwin, J.

for attorney fees subject to the availability of the full amount of Plaintiff's past-due social security benefits award.

II. Discussion

Plaintiff was awarded \$82,886.00 in past due benefits after six years of representation by counsel.^{4/} Under Plaintiff and counsel's fee agreement, counsel is entitled to 25 per cent of the \$82,866.00, or \$20,721.50.^{5/} Administrative Law Judge Peter Bronson authorized counsel to collect \$7,500 out of the award.^{6/} As a result, counsel seeks the remaining \$13,221.50 to arrive at the 25 per cent cap.

With her response, Defendant points out that Plaintiff also received an award for \$12,617.00 in another matter.^{7/} This figure could offset the award in this case, reducing it to \$70,286.50. If that offset occurs, then the new 25 per cent cap would be \$17,567.12. After factoring in the ALJ authorization for \$7,500, the amount Defendant would be entitled to is \$10,067.12.^{8/} That figure is \$3,154.38 less than the amount Plaintiff's counsel seeks in fees.

Rather than waiting to see whether the \$12,617.00 award will offset the award and reduce counsel's attorney fees by \$3,154.38 in this case, the Court awards Plaintiff's counsel \$13,221.50 in attorney fees subject to the availability of the full \$82,866.00 award in this case.

^{4/}Doc. [24](#) at 6.

^{5/}Doc. [24-3](#).

^{6/}Doc. [24-1](#).

^{7/}Doc. [26](#) at 1.

^{8/}See [42 U.S.C. § 406\(b\)\(1\)](#).

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III. Conclusion

For the foregoing reasons, the Court **GRANTS** Plaintiff's motion for attorney fees subject to the availability of the full amount of Plaintiff's past-due social security benefits.

IT IS SO ORDERED.

Dated: October 9, 2015.

s/ James S. Gwin

JAMES S. GWIN
UNITED STATES DISTRICT JUDGE