

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

MARK VASTINE,	:	Case No. 3:16-cv-00290
	:	
Plaintiff,	:	Magistrate Judge Sharon L. Ovington
	:	(by full consent of the parties)
vs.	:	
	:	
NANCY A. BERRYHILL,	:	
Commissioner Of The Social Security	:	
Administration,	:	
	:	
Defendant.	:	

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**DECISION AND ENTRY**

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This case is before the Court on the parties' Joint Stipulation for an Award of Attorney's Fees Pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. (Doc. #16). Specifically, the parties stipulate to an award to Plaintiff of \$4,000.00 in attorney fees, costs, and expenses. The award of attorney fees, costs, and expenses will satisfy all of Plaintiff's claims under 28 U.S.C. § 2412 that may be payable in this case.

Any fees paid belong to Plaintiff and not his attorney and said fees can be offset to satisfy pre-existing debt that Plaintiff owes the United States under *Astrue v. Ratliff*, 560 U.S. 586 (2010). After the Court enters this award, if counsel for the parties can verify that Plaintiff owes no pre-existing debt subject to offset, Defendant agrees to direct that the award be made payable to Plaintiff's attorney pursuant to an EAJA assignment duly signed by Plaintiff.

**IT IS THEREFORE ORDERED THAT:**

1. The Parties' Joint Stipulation for an Award of Attorney's Fees Pursuant to the Equal Access to Justice Act (Doc. #16) is accepted, and the Commissioner shall pay Plaintiff's attorney fees, costs, and expenses in the total amount of \$4,000.00;
2. Counsel for the parties shall verify, **within thirty days of this Decision and Entry**, whether or not Plaintiff owes a pre-existing debt to the United States subject to offset. If no such pre-existing debt exists, Defendant shall pay the EAJA award directly to Plaintiff's counsel pursuant to the EAJA assignment signed by Plaintiff and counsel; and
3. The case remains terminated on the docket of this Court.

December 14, 2017

*s/Sharon L. Ovington*  
Sharon L. Ovington  
United States Magistrate Judge