

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILMA L. HALL, : CIVIL ACTION
 : NO. 08-6047
Plaintiff, :
 :
v. :
 :
MICHAEL J. ASTRUE, :
 :
Defendant. :
 :

O R D E R

AND NOW, this **18th** day of **June, 2012**, it is hereby **ORDERED** that Plaintiff's Motion for Attorney's Fees Pursuant to 42 U.S.C. §406(b) (ECF No. 20) is **GRANTED** and the Court **AWARDS** Plaintiff's Attorney, Michael Patrick Boyle, the sum of \$11,253.50 in attorney's fees.

It is hereby further **ORDERED** that Plaintiff's Attorney, Michael Patrick Boyle, shall remit to Plaintiff the sum of \$3,472.91 previously paid under 28 U.S.C. § 2412(d) by **July 18, 2012**. No later than **July 30, 2012**, Michael Patrick Boyle shall file a certificate of compliance with the order of the Court.¹

¹ Because in this case counsel was awarded fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(b), ECF No.

AND IT IS SO ORDERED.

s/Eduardo C. Robreno
EDUARDO C. ROBRENO, J.

19, and the Court awards counsel fees under 42 U.S.C. § 406(b), such a recovery is a double payment. Under those circumstances, counsel is required to remit the smaller of the two fee awards, here the award under the Equal Access to Justice Act, directly to Plaintiff. See Gisbrecht v. Barnhart, 535 U.S. 789, 796 (2002) (citing Act of Aug. 5, 1985, Pub.L. 99-80, § 3, 99 Stat. 186).