

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CARLOS E. BENJAMIN,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

CASE NO. 2:21-CV-1472-DWC

ORDER ON MOTION FOR  
ATTORNEY'S FEES

For the reasons set forth in the parties' stipulated motion for attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, *et seq.*, and good cause shown, the Motion (Dkt. 11) is granted and IT IS HEREBY ORDERED AS FOLLOWS:

Plaintiff is awarded \$969.00 in fees, \$24.52 in expenses, and \$402.00 in costs under the EAJA. Under *Astrue v. Ratliff*, 130 S. Ct. 2521, 2528-29 (2010), EAJA fees awarded by this Court belong to the Plaintiff and are subject to offset under the Treasury Offset Program (31 U.S.C. § 3716(c)(3)(B) (2006)). Any EAJA fees should therefore be awarded to Plaintiff and not to Plaintiff's attorney. If, after receiving the Court's EAJA fee order, the Commissioner (1) determines that Plaintiff has assigned her right to EAJA fees to her attorney; (2) determines that

1 Plaintiff does not owe a debt that is subject to offset under the Treasury Offset Program, and (3)  
2 agrees to waive the requirements of the Anti-Assignment Act, then the EAJA fees will be made  
3 payable to Plaintiff's attorney. However, if there is a debt owed under the Treasury Offset  
4 Program, the Commissioner cannot agree to waive the requirements of the Anti-Assignment Act,  
5 and the remaining EAJA fees after offset will be paid by a check made out to Plaintiff but  
6 delivered to Olinsky Law Group. Any payment of costs may be made either by electronic fund  
7 transfer (EFT) or by check.

8 **Olinsky Law Group** EIN 26-2258247

9 Whether the check is made payable to Plaintiff or to Olinsky Law Group, **the check shall be**  
10 **mailed to the following address:**

11 **Olinsky Law Group**  
12 **250 S Clinton St Ste 210**  
13 **Syracuse NY 13202**

14 Plaintiff's first Motion for Attorney Fees (Dkt 9) is denied as moot.

15 Dated this 6th day of May, 2022.

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17 David W. Christel  
18 United States Magistrate Judge  
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