

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 TACOMA DIVISION

10 LESLIE A. HOWARD,

11 Plaintiff,

12 vs.

13 COMMISSIONER OF SOCIAL SECURITY,

14 Defendant.

Civil No. 3:18-CV-05161-DWC

ORDER ON MOTION FOR ATTORNEY
FEES UNDER THE EAJA

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

- 18 1. Plaintiff is hereby awarded \$7,988.65 in fees and expenses under the EAJA. Under
19 *Astrue v. Ratliff*, 130 S. Ct. 2521, 2528-29 (2010), EAJA fees awarded by this Court
20 belong to the Plaintiff and are subject to offset under the Treasury Offset Program
21 (31 U.S.C. § 3716(c)(3)(B) (2006)). Any EAJA fees should therefore be awarded to
22 Plaintiff and not to Plaintiff's attorney. If, after receiving the Court's EAJA fee order,
23 the Commissioner (1) determines that Plaintiff has assigned her right to EAJA fees to
24 her attorney; (2) determines that Plaintiff does not owe a debt that is subject to offset

1 under the Treasury Offset Program, and (3) agrees to waive the requirements of the
2 Anti-Assignment Act, then the EAJA fees will be made payable to Plaintiff's attorney.
3 However, if there is a debt owed under the Treasury Offset Program, the Commissioner
4 cannot agree to waive the requirements of the Anti-Assignment Act, and the remaining
5 EAJA fees after offset will be paid by a check made out to Plaintiff but delivered to
6 Plaintiff's attorney.

- 7
8 2. Plaintiff is hereby awarded costs in the amount of \$1,213.20. Cost may be paid via
9 check or electronic funds transfer.

10 DATED this 29th day of November, 2021.

11 

12 _____
13 David W. Christel
14 United States Magistrate Judge

15 Presented by:

16 s/ David J. Burdett
17 DAVID J. BURDETT
18 Special Assistant United States Attorney
19 Office of the General Counsel
20 Social Security Administration
21 701 Fifth Avenue, Suite 2900 M/S 221A
22 Seattle, WA 98104-7075
23 Telephone: (206) 615-2522
24 Fax: (206) 615-2531
david.burdett@ssa.gov