

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TRACY LYNN MISCH,

Plaintiff,

v.

CAROLYN W. COLVIN,
Acting Commissioner of
Social Security,

Defendant.

ORDER

13-cv-18-bbc

Dana Duncan, counsel for plaintiff Tracy Lynn Misch, is seeking an award of attorney fees under 42 U.S.C. § 406(b) for his representation of plaintiff before this court and on remand before the Social Security Administration. Plaintiff was awarded \$34,669.17 in Supplemental Security Income benefits. Under her contingent fee agreement with counsel, she is to pay counsel 25% of her award. Counsel believes that this amount equals \$8,667.29, and advises the court that he was previously paid \$5,400 as a fee award under the Equal Access to Justice Act, § 2412(d)(1)(A), which must be deducted from the total fee.

The commissioner does not oppose payment of whatever amount is still owing to counsel, but her calculation of the past due benefits comes to \$60 less than plaintiff's counsel's calculation. She suggests that in the interest of judicial efficiency and the expedition of counsel's payment, the court should order the payment to counsel of an

amount equal to 25% of plaintiff's past-due benefits, less the \$5,400 paid to counsel under the EAJA. Plaintiff's counsel has not opposed this suggestion, so I will adopt it.

ORDER

IT IS ORDERED that defendant Carolyn W. Colvin, Acting Commissioner of Social Security, is directed to pay Dana Duncan, counsel for plaintiff Tracy Lynn Misch, a fee award equal to 25% of Tracy Lynn Misch's past due benefits, less the \$5,400 previously awarded to plaintiff under the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A).

Entered this 20th day of October, 2015.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge