

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

JAMIE J. GRAW,

Plaintiff,

v.

CAROLYN W. COLVIN,
Acting Commissioner of
Social Security,

Defendant.

ORDER

13-cv-613-bbc

Dana Duncan, counsel for plaintiff Jamie J. Graw, 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 \$22,420.40 in Supplemental Security Income benefits. Under plaintiff's contingent fee agreement with counsel, counsel is to be paid 25% of any award. Counsel believes that this amount equals \$5,605.10, of which \$4,100.10 was previously paid to him as a fee award under the Equal Access to Justice Act, § 2412(d)(1)(A), and 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 \$1804.40 less than plaintiff's counsel's calculation. Plaintiff's counsel has agreed to defendant's calculation.

Defendant will be directed to pay plaintiff's counsel \$1,054. Such a payment takes into account the money previously paid to plaintiff's counsel under the Equal Access to

Justice Act, 28 U.S.C. § 2412(d)(1)(A).

ORDER

IT IS ORDERED that defendant Carolyn W. Colvin, Acting Commissioner of Social Security, is directed to pay Dana Duncan, counsel for plaintiff Jamie J. Graw, a fee award equal to 25% of \$20,616.00, or \$1,054. Further, IT IS ORDERED that defendant is to release the remaining \$4,100.00 in past due benefits to plaintiff.

Entered this 21st day of October, 2015.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge