

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

ELIAS DAMIAN,

Plaintiff,

vs.

Case No. 06-1132-JTM

MICHAEL J. ASTRUE, Commissioner of  
Social Security,

Defendant.

MEMORANDUM AND ORDER

This Social Security appeal is before the court on the plaintiff's Motion for Attorney Fees. Plaintiff Elias Damian seeks an award of attorney fees and expenses under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, in the amount of \$5,799.60 — representing 33.3 hours of attorney work at \$162.00 per hour, and 5.4 hours of paralegal work at \$75.00 per hour. The Commissioner does not oppose the amount of the proposed award, but contends that under 28 U.S.C. § 2412(d)(1)(A), such an award belongs to the party, not counsel. *See Dewey v. Astrue*, 2007 WL 2013599 (D.Kan. July 9, 2007). Recognizing that assignment of rights that has been entered into between Damian and counsel, the Commissioner has stated he does not object to payment of the specified fee award to counsel as assignee of plaintiff. The plaintiff has not objected to this procedure.

IT IS ACCORDINGLY ORDERED this 17<sup>th</sup> day of December, 2007, that the court hereby grants plaintiff's Motion for Attorney Fees (Dkt. No. 18) such that the court directs and orders the Social Security Administration to pay counsel for plaintiff as the assignee of plaintiff the sum of \$5,799.60.

s/ J. Thomas Marten  
J. THOMAS MARTEN, JUDGE