

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

DEC 27 1999

----- -X  
YOLE GREENAWALT, individually and on behalf  
of all others similarly situated,

Plaintiff,

STIPULATION  
AND ORDER OF  
SETTLEMENT

-against-

KENNETH S. APFEL, as Commissioner of the  
Social Security Administration,

Defendant.

Index No:  
99-CV-2481  
(Platt, J.)  
(Boyle, M.)

----- -X

WHEREAS plaintiff commenced this putative class action on April 30, 1999 in order to require the Social Security Administration ("SSA") to convene personal conferences with Supplemental Security Income ("SSI") recipients prior to denying a request for waiver of recovery of an SSI overpayment; and

WHEREAS a class has not yet been certified by the Court;

WHEREAS the parties desire to settle this action on terms and conditions that are just and fair to all parties;

NOW, THEREFORE, it is hereby stipulated and agreed by attorneys representing plaintiff and defendant that

1. Plaintiff agrees to, and hereby does, withdraw Complaint with prejudice.

2. Effectively immediately upon execution of this Stipulation of Settlement, defendant agrees to instruct all of its field offices to hold, pending the implementation of new practices and procedures, any requests for waivers of recovery of overpayments as to which a file review indicates a likelihood that

the request will be denied. By no later than March 1, 2000, defendant agrees to extend the practices and procedures set forth in Program Operations Manual System ("POMS" §SI R02260.001 PHI to all Supplemental Security Income recipients nationwide. See POMS §SI R02260.001 PHI appended hereto as Exhibit A.

3. Defendant agrees to vacate its November 30, 1998 denial of plaintiff's SSI overpayment waiver request and its February 26, 1999 denial of plaintiff's reconsideration request for waiver of the same SSI overpayment, and to provide an opportunity for a personal conference to plaintiff before deciding her SSI overpayment waiver request

4. Plaintiff expressly reserves her right to move for an award of reasonable attorney's fees, costs and disbursements pursuant to Rule 54(d) of the Federal Rules of Civil Procedure and 28 U.S.C 2412(d) if the award or amount of such fees, costs and disbursements is not settled between the parties by separate stipulation

5. The Court shall retain limited jurisdiction over this action for the purpose of enforcement of the provisions of this Stipulation of Settlement.

6. This Stipulation and Order of Settlement contains all the terms and conditions agreed upon by the parties thereto, and no oral or written agreement entered into at any time prior to the execution of this Stipulation and Order of Settlement regarding the subject matter of the instant proceeding shall be deemed to exist,

or to bind the parties hereto, or vary the terms and conditions contained herein

7. This Stipulation and Order of Settlement may be so ordered without further notice

Dated: December 14, 1999

Law Offices of Vollmer & Tanck  
By:

Peter Vollmer  
Peter Vollmer (PV-2749)  
Attorney for Plaintiff and Proposed  
Plaintiff-Intervenor Scott  
50 Charles Lindbergh Blvd.  
Suite 600A  
Uniondale, New York 11553  
(516) 228-3381

Dated: December 23, 1999

Loretta Lynch  
United States Attorney  
Attorney for Defendant  
By:

F. Franklin Amanat  
F. Franklin Amanat, AUSA (FA-6117)  
One Pierrepont Plaza - 14th Floor  
Brooklyn, New York 11201

So Ordered: Thomas C. Platt  
Hon. Thomas C. Platt

Date: 12/26/99

*government*  
THIS ORDER IS TO BE MAILED BY ~~MOVANT~~  
TO ALL COUNSEL IMMEDIATELY UPON RECEIPT.