

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION**

JOSEPH L. WARD

PLAINTIFF

V.

2:11CV184 JMM

**CAROLYN W. COLVIN,
Acting Commissioner of the
Social Security Administration**

DEFENDANT

ORDER

Plaintiff has filed a motion for attorney's fees pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412 (docket entry #14). Plaintiff seeks an EAJA award for 15.15 hours of work done at the district court level by her attorney at an hourly rate of \$181.00 and 4.65 hours of work done by a paralegal at an hourly rate of \$75.00, for a total fee award of \$3,090.90, plus expenses in the amount of \$17.37.

Under the EAJA, a prevailing social security claimant is entitled to an award of reasonable attorney's fees and expenses unless the Commissioner's position in denying benefits was "substantially justified" or special circumstances make an award unjust. 28 U.S.C. § 2412(d)(1)(A). A claimant who wins a sentence-four remand order, such as the one entered in this case (docket entries #12, #13), is a prevailing party entitled to EAJA fees. Shalala v. Schaefer, 509 U.S. 292, 302 (1993).

The Commissioner does not contest Plaintiff's entitlement to an award of attorney's fees and expenses under the EAJA, nor does she object to the hourly rate, and she asserts that the amount requested by Plaintiff's attorney is reasonable (docket entry #17). Therefore, the total number of requested attorney hours (15.15) will be allowed at an hourly rate of \$181.00, and the total number of requested paralegal hours (4.65) will be allowed at an hourly rate of \$75.00, for a

total fee award of \$3,090.90. Additionally, the Court will approve the requested expenses in the amount of \$17.37.

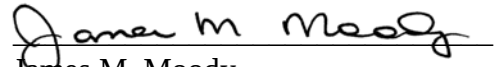
Accordingly, it is hereby ORDERED

(1) That Plaintiff's motion for attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 (docket entry #14) is granted;

(2) That Plaintiff's attorney is entitled to an attorney's fee in the amount of \$3,090.90, together with expenses of \$17.37, for a total of \$3,108.27, all pursuant to the EAJA; and

(3) That the Commissioner is directed to pay to Plaintiff the amount awarded pursuant to the EAJA.

IT IS SO ORDERED this 5th day of June, 2013.


James M. Moody
United States District Judge