

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

CORDELIA MCGUIRE

PLAINTIFF

V.

NO. 3:08CV00103 JTR

MICHAEL J. ASTRUE,
Commissioner, Social
Security Administration

DEFENDANT

ORDER

Pending before the Court is Plaintiff's Motion for an Award of Attorney's Fees and Other Expenses Under the Provisions of the Equal Access to Justice Act ("EAJA"). (Docket entry #17). The Commissioner has filed a Response (docket entry #19). For the reasons set forth herein, the Motion will be granted.

On July 14, 2008, Plaintiff filed this action challenging the decision of an Administrative Law Judge ("ALJ") denying her social security benefits. (Docket entry #2). On August 20, 2009, the Court entered an Order and a Judgment (docket entries #15 and #16) reversing the ALJ's decision and remanding the case pursuant to sentence four of 42 U.S.C. § 405(g) and *Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

On October 21, 2009, Plaintiff's attorney, Mr. Anthony W. Bartels, filed a Motion for an Award of Attorney's Fees and Other Expenses Under the Provisions of the EAJA. (Docket entry #17). Pursuant to an agreement between Bartels and the Office of General Counsel of the Social Security Administration, Bartels requests payment for 13.00 hours of work performed by an attorney during 2008 and 2009 at the adjusted hourly rate of \$175.00. Furthermore, Mr. Bartels seeks payment for 5.15 hours of paralegal time at the rate of \$75.00 an hour, and \$15.96 in costs. The Commissioner does not object to the requested amounts for attorney's fees and costs. (Docket entry

#19).

Under these circumstances, the Court concludes that Plaintiff is entitled to an award of fees and costs under the EAJA, and that the amount requested by Plaintiff's attorney is reasonable. Accordingly, Plaintiff's attorney shall receive a total award of \$2,677.21 which includes: (1) 13.00 hours of attorney time at the rate of \$175.00 per hour (\$2,275.00); (2) 5.15 hours of paralegal time at the rate of \$75.00 per hour (\$386.25); and (3) \$15.96 in costs.

IT IS THEREFORE ORDERED that Plaintiff's Motion for an Award of Attorney's Fees and Other Expenses Under the Provisions of the Equal Access to Justice Act (docket entry #17) is hereby GRANTED.

IT IS FURTHER ORDERED that the Commissioner shall certify and pay to Mr. Anthony W. Bartels, attorney for Plaintiff, \$2,677.21, which has been awarded as fees and costs pursuant to the EAJA.

DATED this 1st day of April, 2010.


UNITED STATES MAGISTRATE JUDGE