

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

WILLIAM MORGAN

PLAINTIFF

VS.

3:09CV00057 JTR

MICHAEL J. ASTRUE,
Commissioner, Social
Security Administration,

DEFENDANT

ORDER

Pending before the Court is Plaintiff's Amended Motion for an Award of Attorney's Fees and Other Expenses Under the Provisions of the Equal Access to Justice Act ("EAJA"). (Docket entry #20). The Commissioner has filed a Response (docket entry #21). For the reasons set forth herein, the Amended Motion will be granted.

On May 1, 2009, Plaintiff filed this action challenging the decision of an Administrative Law Judge ("ALJ") denying him social security benefits. (Docket entry #2). After Plaintiff filed his Appeal Brief (docket entry #13), the Commissioner filed a Motion to Remand for a reevaluation of the evidence. (Docket entry #15). On November 24, 2009, the Court entered an Order and a Judgment (docket entries #16 and #17) remanding the case to the ALJ pursuant to sentence four of 42 U.S.C. § 405(g) and *Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

On January 28, 2010, Plaintiff's attorney, Mr. Anthony W. Bartels, filed an Amended Motion for an Award of Attorney's Fees and Other Expenses Under the Provisions of the EAJA.¹ (Docket

¹Bartels' Amended Motion was preceded by a Motion filed on January 25, 2010 (docket entry #18) that had an incorrect itemization of time. This Motion will therefore be denied.

entry #20). Pursuant to an agreement between Bartels and the Office of General Counsel of the Social Security Administration, Bartels requests payment for 10.40 hours of work performed by an attorney during 2009 at the adjusted hourly rate of \$175.00. Furthermore, Mr. Bartels seeks payment for 4.75 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 #21).

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 \$2,192.21 which includes: (1) 10.40 hours of attorney time at the rate of \$175.00 per hour (\$1,820.00); (2) 4.75 hours of paralegal time at the rate of \$75.00 per hour (\$356.25); 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 #18) is hereby DENIED; and Plaintiff's Amended Motion for an Award of Attorney's Fees and Other Expenses Under the Provisions of the Equal Access to Justice Act (docket entry #20) is hereby GRANTED.

IT IS FURTHER ORDERED that the Commissioner shall certify and pay to Mr. Anthony W. Bartels, attorney for Plaintiff, \$2,192.21, which has been awarded as fees and costs pursuant to the EAJA.

DATED this 1st day of April, 2010.


UNITED STATES MAGISTRATE JUDGE