

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

SHANE OVERMAN

PLAINTIFF

VS.

3:10CV00152 JTR

MICHAEL J. ASTRUE,
Commissioner, Social
Security Administration

DEFENDANT

ORDER

Pending before the Court is Plaintiff's Motion requesting an award of attorney's fees and expenses under the Equal Access to Justice Act ("EAJA"). (Docket entry #16). For the reasons set forth herein, the Motion will be granted.

On July 15, 2010, Plaintiff filed this action challenging the Commissioner's decision denying his claim for social security benefits. (Docket entry #2). On November 8, 2010, Plaintiff filed his Appeal Brief. (Docket entry #11). On December 21, 2010, the Commissioner filed an Unopposed Motion to Remand requesting reversal of the ALJ's decision for further development of the record. (Docket entry #13). On April 4, 2011, the Court entered a Order and a Judgment (docket entries #14 and #15) reversing the Commissioner'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 June 6, 2011, Plaintiff's attorney, Mr. Anthony Bartels, filed a Motion for Attorney's Fees Under the EAJA. (Docket entry #16). Mr. Bartels requests payment for 8 hours of attorney work performed at the adjusted hourly rate of \$175 (\$1,400), 4.8 hours of paralegal work at an hourly rate of \$75.00 (\$360), and expenses in the amount of \$16.62, for a total of \$1,776.62. (Docket entry #17). The Commissioner does not object to the requested award under the EAJA. (Docket entry #18).

Under these circumstances, the Court concludes that Plaintiff is entitled to an award of attorney's fees under the EAJA, and that the amount requested is reasonable.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Attorney's Fees Pursuant to the EAJA (docket entry #16) is GRANTED.

IT IS FURTHER ORDERED that Plaintiff is awarded \$1,776.62 in attorney's fees and expenses under the EAJA.

DATED this 22nd day of September, 2011.


UNITED STATES MAGISTRATE JUDGE