

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

JERRY REINHART

PLAINTIFF

V.

NO. 3:10CV00319-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").¹ (Docket entry #17.) The Commissioner has filed a Response. (Docket entry #19.)

Plaintiff's attorney, Anthony Bartels, requests a total award of \$3,260.02 consisting of: (1) .70 hours of attorney work in 2010 at the adjusted hourly rate of \$175.00 (\$122.40); (2) 15.15 hours of attorney work in 2011 and 2012 at the adjusted hourly rate of \$181.00 (\$2,742.15); (3) 5.05 hours of paralegal work at the hourly rate of \$75.00 (\$378.75); and (4) \$16.62 in expenses for serving Plaintiff's Complaint via certified mail. He also requests that the award be mailed directly to him based on an assignment executed by Plaintiff.

¹On March 20, 2012, the Court entered a Memorandum Order and Judgment reversing the Commissioner's decision and remanding this case for further administrative proceedings. (Docket entries #14, #15.)

The Commissioner does not object to the requested amount of fees and expenses.

Pursuant to the United States Supreme Court's holding in *Astrue v. Ratliff*, 130 S. Ct. 2521 (2010), an award of EAJA fees belongs to the prevailing party, not that party's lawyer. Consistent with the Commissioner's usual procedure, the check awarding EAJA fees should be made payable to Plaintiff, but mailed to the care of Plaintiff's attorney at the attorney's office.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Award of Attorney's Fees and Expenses Under the EAJA (docket entry #17) is GRANTED.

IT IS FURTHER ORDERED that Plaintiff is awarded \$3,260.02 in attorney's fees and expenses under the EAJA.

DATED this 5th day of October, 2012.


UNITED STATES MAGISTRATE JUDGE