

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

OSCAR MONTOYA

PLAINTIFF

V.

NO. 3:13CV00009 JTR

CAROLYN W. COLVIN,  
Acting 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"), 28 U.S.C. § 2412.<sup>1</sup> *Doc. #15*. The Commissioner has filed a Response. *Doc. #17*.

Plaintiff's attorney, Anthony Bartels, requests a total payment of \$3,240.80 consisting of: (1) .35 hours of attorney work in 2012 at the adjusted hourly rate of \$181.00 (\$63.35); (2) 14.55 hours of attorney work in 2013 at the adjusted hourly rate of \$187.00 (\$2,720.85); (3) 5.85 hours of paralegal work at the hourly rate of \$75.00 (\$438.75); and (4) \$17.85 in expenses. Counsel also requests that the award be mailed directly to him based on an assignment executed by Plaintiff.

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

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<sup>1</sup>On December 2, 2013, the Court entered a Memorandum Order and Judgment reversing the Commissioner's decision and remanding this case for further administrative proceedings. *Docs. #13, #14*.

Pursuant to the Supreme Court's holding in *Astrue v. Ratliff*, 560 U.S. 586 (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 Attorney's Fees and Expenses Pursuant to the EAJA, *Doc. #15*, is GRANTED.

IT IS FURTHER ORDERED that Plaintiff is awarded \$3,240.80 in attorney's fees and expenses under the EAJA. Consistent with the Commissioner's usual procedure in light of *Astrue v. Ratliff*, 560 U.S. 586 (2010), 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.

DATED this 6<sup>th</sup> day of March, 2014.

  
UNITED STATES MAGISTRATE JUDGE