Selvidge v. Social Security Administration Commissioner Doc. 15

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

ROSE M. SELVIDGE PLAINTIFF

vs. Civil No. 1:07-cv-01077

MICHAEL J. ASTRUE DEFENDANT
Commissioner, Social Security Administration

ORDER

Before the Court is the Report and Recommendation filed on October 21, 2008 by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (Doc. No. 14). Judge Bryant recommends that Plaintiff's Application for Attorney Fees Under the Equal Access to Justice Act ("EAJA") be **GRANTED**. Defendant has not filed objections to the Report and Recommendation, and the time to object has passed. *See* 28 U.S.C. § 636(b)(1).

Accordingly, this Court finds that counsel is entitled to compensation under the EAJA for 11.00 hours for attorney fees at the rate of $145.00 per hour for a total attorney fee award of $1,595.00. This amount should be paid in addition to, and not out of, any past due benefits which Plaintiff may be awarded in the future.

The parties are reminded that the award herein under the EAJA will be taken into account at such time as a reasonable fee is determined pursuant to 42 U.S.C. § 406 in order to prevent double recovery by counsel for Plaintiff.

IT IS SO ORDERED, this 10th day of November, 2008.

/s/Harry F. Barnes
Hon. Harry F. Barnes
United States District Judge

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