

1 action. An applicant for Social Security benefits receiving a remand under sentence four of 42
2 U.S.C. § 405(g) is a prevailing party, regardless of whether the applicant later succeeds in
3 obtaining the requested benefits. Shalala v. Schaefer, 509 U.S. 292 (1993). In this case, the
4 matter was remanded under sentence four pursuant to the stipulation of the parties. ECF No. 20.
5 Plaintiff thus is entitled to an award of fees under the EAJA. The court must allow the fee award
6 unless it finds that the position of the United States was substantially justified. Flores v. Shalala,
7 49 F.3d 562, 568-69 (9th Cir. 1995). Because defendant does not contest this issue, the court
8 turns to the reasonableness of the requested fee.

9 The EAJA directs the court to award a reasonable fee. In determining whether a fee is
10 reasonable, the court considers the hours expended, the reasonable hourly rate, and the results
11 obtained. See Commissioner, INS v. Jean, 496 U.S. 154 (1990); Hensley v. Eckerhart, 461 U.S.
12 424 (1983); Atkins v. Apfel, 154 F.3d 986 (9th Cir. 1998). Defendant does not contest the hourly
13 rate claimed but contends that the court should not award fees for 6.55 hours spent on summaries
14 of the record before drafting the summary of the administrative hearing and medical evidence
15 incorporated into the brief on the motion for summary judgment.³ The billing records submitted
16 by counsel indicate that 5.52 hours were expended by counsel in drafting the summaries. In this
17 court's experience, a total of 12.07 hours spent in reviewing the administrative transcript,
18 summarizing the contents, and drafting the summary for incorporation into a brief is well within
19 the bounds of reasonableness. That is particularly so here in light of the well-drafted motion for
20 summary judgment, which included 10 pages of summary out of an 18 page brief. ECF No. 16.
21 The court finds no redundancy in the efforts of plaintiff's counsel to properly advance the
22 interests of his client. The court will therefore recommend that no reduction in the amount of fees
23 claimed be made.

24 Accordingly, IT IS HEREBY RECOMMENDED that that fees pursuant to the EAJA be
25 awarded to plaintiff in the amount of \$6,679.41.

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28 ³ Such summary is required under the court's scheduling order.

1 These findings and recommendations are submitted to the United States District Judge
2 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
3 after being served with these findings and recommendations, any party may file written
4 objections with the court and serve a copy on all parties. Such a document should be captioned
5 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections
6 within the specified time may waive the right to appeal the District Court’s order. Martinez v.
7 Ylst, 951 F.2d 1153 (9th Cir. 1991).

8 Dated: March 30, 2016



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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