

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

**Civil Action No. 15-cv-00308-WYD**

**RICHARD BURNELL,**

**Plaintiff,**

**vs.**

**CAROLYN W. COLVIN, Acting Commissioner of Social Security,**

**Defendant.**

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**ORDER GRANTING PLAINTIFF'S UNOPPOSED MOTION FOR ATTORNEY FEES  
PURSUANT TO 42 U.S.C. § 406(b)**

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The Plaintiff's Unopposed Motion for Attorney Fees Pursuant to 42 U.S.C. § 406(b) (ECF No. 23) is GRANTED. As set forth in the motion:

1. I ordered the case reopened under a sentence four remand. (ECF No. 19).
2. Mr. Burnell has received his notice of ward dated February 28, 2016. Additionally, he will receive a monthly benefit amount of \$1,591.00.
3. Of that total amount awarded, the Social Security Administration has withheld \$86,491.80 for attorney fees according to the award letter, but Plaintiff's counsel believes that \$21,627.95 is the correct amount of 25% of past due benefits.
4. Plaintiff signed a continent fee agreement with his attorney where he agreed to pay attorney fees in the amount of 25% of past due benefits.
5. Additionally, Mr. Burnell does not object to the amount of \$6,400.00 to be awarded as an attorney fee to Ms. Vasold, since Mr. Burnell will also be paid.

6. Plaintiff's undersigned counsel expended 23 hours in representing Mr. Burnell in Federal Court, and obtained a sentence four remand.

7. Plaintiff was awarded an EAJA fee in the amount of \$3,985.00. (ECF No. 22).

Accordingly, it is ORDERED that pursuant to the statute, 42 U.S.C. § 406(b), Ms. Vasold shall receive a total attorney fee award of \$6,400.00, as authorized by 42 U.S.C. § 406(b), with payment of EAJA fee refunded to Mr. Burnell in the amount of \$3,985.00 by attorney.

Dated: March 18, 2016

BY THE COURT:

*/s/ Wiley Y. Daniel*

WILEY Y. DANIEL,  
SENIOR UNITED STATES DISTRICT JUDGE