

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
SOUTHERN DIVISION at PIKEVILLE

CIVIL ACTION NO. 07-121-GWU

JEFFERY MARTIN,

PLAINTIFF,

VS.

MEMORANDUM OPINION AND ORDER

MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL SECURITY,

DEFENDANT.

Counsel for the plaintiff has moved for an award of \$5,490.00 in fees under 42 U.S.C. § 406(b), and has submitted a copy of a fee agreement with his client permitting him to recover 25 percent of any past due benefits paid. The defendant responds that he withheld a total of \$10,667.50 from the plaintiff's past due benefits of \$42,667.50, and the parties agree that counsel has already received \$5,300.00 of this amount for administrative work under 42 U.S.C. § 406(a). This leaves \$5,367.50 to be awarded under § 406(b). Accordingly, and the court being sufficiently advised,

IT IS HEREBY ORDERED that:

(1) the plaintiff's Motion for Approval of Attorney Fee under 42 U.S.C. § 406(b), Docket Entry No. 21, is GRANTED to the extent that counsel is awarded \$5,367.50 in fees; and

(2) counsel must refund the prior Equal Access to Justice Act fee award of \$1,880.00 to his client.

This the 10th day of June, 2009.



Signed By:

G. Wix Unthank *G.W. Unthank*

United States Senior Judge