

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

ROBERT F. MORALES

PLAINTIFF

v.

CIVIL ACTION NO. 3:12-CV-00400-CRS

CAROLYN W. COLVIN, ACTING COMMISSIONER
SOCIAL SECURITY ADMINISTRATION

DEFENDANT

Opinion and Order

Robert Morales moves for attorney fees. The Court may award attorney fees out of past-due benefits, but the fee cannot exceed 25 percent of past-due benefits. 42 U.S.C. § 406(b).

Morales requested approval for \$6,216.00 in attorney fees to come out of the past-due benefits. Mot., ECF No. 17. The Commissioner pointed out that \$6,216.00 is 25 percent of \$24,865.71, which Morales had already received in benefits. Notice of Award, ECF No. 17-3. Instead, the proper calculation is 25 percent of \$24,073.21, the amount of past-due benefits, which is \$6,018.30. In reply, Morales conceded that this is the proper fee calculation.

The Court finds that plaintiff's attorney is entitled to a fee award of 25% of plaintiff's past-due benefits, for a total of \$6,018.30.

It is so ordered.

July 8, 2016

A handwritten signature in black ink, appearing to read 'Charles R. Simpson III', is written over a faint circular seal of the United States District Court for the Western District of Kentucky.

**Charles R. Simpson III, Senior Judge
United States District Court**