

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLANDCHAMBERS OF
STEPHANIE A. GALLAGHER
UNITED STATES DISTRICT JUDGE101 WEST LOMBARD STREET
BALTIMORE, MARYLAND 21201
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September 27, 2022

LETTER OPINION

RE: *Denise Marie A. v. Commissioner, Social Security Administration*
Civil No. JMC-20-1512

Dear Counsel:

This Court has reviewed Plaintiff's Petition for Attorney's Fees under 42 U.S.C. § 406(b) and the response filed by the Social Security Administration ("SSA"). ECF 38, 43. No hearing is necessary. *See* Loc. R. 105.6 (D. Md. 2021). For the reasons stated herein, this Court deems the petition timely pursuant to Local Rule 109.2(c) and will grant the requested fees.

The Social Security Act does not impose a time limitation for requesting attorney's fees under 42 U.S.C. § 406(b). However, this Court's Local Rule 109.2(c) provides that a motion seeking fees "must be filed within thirty (30) days of the date of the Notice of Award letter sent to the claimant and the attorney at the conclusion of the Social Security Administration's past-due benefits calculation." Here, the Notice of Award letter is dated May 16, 2022. ECF 32-2. Plaintiff filed a "line" on June 17, 2022, requesting additional time because she believed that the calculation of past-due benefits needed to be corrected. ECF 32. The record does not reflect any correction, and instead Plaintiff filed the petition on August 3, 2022, attaching the May 16, 2022 petition. ECF 38.

This Court does not understand SSA to argue that Plaintiff was prohibited from requesting extra time to ensure a correct calculation of benefits. Instead, SSA contends that the June 17, 2022 line was filed more than 30 days from the May 16, 2022 Notice of Award. While, by a very small margin, that is correct, the Local Rule refers to the "Notice of Award letter sent to the claimant *and the attorney.*" Loc. R. 109.2(c) (emphasis added). Here, Plaintiff's counsel has represented that the Notice of Award letter was not sent to him. In light of the failure to send the letter to the attorney and the minimal delay in seeking an extension of time to file a petition, this Court finds that Loc. R. 109.2(c) does not bar Plaintiff's petition, and having determined the fee to be reasonable, will award the \$17,092.75 requested.

Despite the informal nature of this letter, it should be flagged as an opinion. A separate order follows.

Sincerely yours,

/s/

Stephanie A. Gallagher
United States District Judge