

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

EUNICE JOHNSON,	:	Civil No.: 17-10452
	:	
<i>Plaintiff,</i>	:	Hon. Matthew F. Leitman
	:	United States District Judge
v.	:	
	:	Hon. David R. Grand
ANDREW SAUL,	:	United States Magistrate Judge
COMMISSIONER OF	:	
SOCIAL SECURITY,	:	
	:	
<i>Defendant.</i>	:	

---

**ORDER ON MOTION FOR AWARD OF § 406(b) FEES**

Plaintiff’s motion for an award of attorney fees under 42 U.S.C. § 406(b) in the amount of \$9,735.00 (Docket No. 27) is **GRANTED**. The Commissioner has no objection to this motion (Docket No. 27 at 6 n.2). That award amounts to 25% of the past due benefits of \$38,940.01 that the attorney’s efforts obtained for Plaintiff in this case. I conclude under the circumstances that it is reasonable. *See Gisbrecht v. Barnhart*, 535 U.S. 789 (2002).<sup>1</sup> This order has been presented and approved by Attorney Ronald Makawa from the Office of General Counsel of the Social Security Administration.

---

<sup>1</sup> Since this Court denied Plaintiff’s attorney’s motion for fees under the Equal Access to Justice Act (“EAJA”) (Docket No. 25), there is no EAJA award to return to the claimant. *See Gisbrecht*, 535 U.S. at 796 (“Fee awards may be under both [the EAJA and § 406(b)], but the claimant’s attorney must refund to the claimant the amount of the smaller fee.”) (internal quotation and alteration omitted).

s/ Wesley J. Lamey  
Wesley J. Lamey  
Michigan Bar #73613  
Ball, Banton, and Johnson, P.C.  
28755 Schoenherr Rd., Ste. 100  
Warren, MI 48088  
Attorney for Plaintiff

s/Ronald W. Makawa<sup>2</sup>  
Ronald W. Makawa  
Social Security Administration  
Office of the General Counsel  
15 New Sudbury St.  
Room 625  
Boston, MA 02203

**IT IS SO ORDERED.**

/s/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

Dated: October 24, 2019

---

<sup>2</sup> Signed with consent obtained via email communication on October 24, 2019.