

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Heather J. S.,

Case No. 20-cv-1465 (TNL)

Plaintiff,

v.

ORDER

Kilolo Kijakazi,
Acting Commissioner of Social Security,

Defendant.

Edward C. Olson, 331 2nd Avenue South, Suite 420, Minneapolis, MN 55401 (for Plaintiff); and

James D. Sides, Special Assistant United States Attorney, Social Security Administration, 1301 Young Street, Mailroom 104, Dallas, TX, 75202 (for Defendant).

I. INTRODUCTION

This matter comes before the Court on Plaintiff Heather J. S.'s Motion for Award of Attorney's Fees Pursuant to the Equal Access to Justice Act ("EAJA"). (ECF No. 28.) For following reasons, the Court grants this motion.

II. DISCUSSION

Plaintiff initiated an action for judicial review of the Commissioner's discontinuance of her disability benefits. (ECF No. 1.) Cross motions for summary judgment were filed by Plaintiff and the Commissioner. (ECF Nos. 20, 22.) On September 29, 2021, the Court issued an Order finding that that the Administrative Law Judge improperly concluded that Plaintiff's entitlement ceased because of her medical improvement. (ECF No. 25.) The case was then

remanded to the Commissioner for further proceedings. (*Id.*) Plaintiff then filed the following motion for attorney’s fees under the EAJA. (ECF No. 28.)

Under the EAJA, “a party who prevails in a civil action against the United States—including a lawsuit seeking judicial review of administrative action—shall be awarded fees and expenses ‘unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust.’” *Rapp v. Colvin*, No. 12-cv-2473 (PJS/TNL), 2014 WL 5461889, at *1 (D. Minn. Oct. 27, 2014) (quoting 28 U.S.C. § 2412(d)(1)(A)). In the present motion, Plaintiff seeks \$7,098.73 in attorney’s fees for 34.3 hours of work. (ECF No. 28; *see* Ex. A to Pl.’s Mem. in Supp. at 1-2, ECF No. 30.) The Commissioner does not object to Plaintiff’s motion. (ECF No. 32.) The Court finds that Plaintiff’s request is reasonable and fair.

III. ORDER

Based on the record, memoranda, proceedings herein, and no objections to the requested amounts, **IT IS HEREBY ORDERED** that:

1. Plaintiff’s Motion for Award of Attorney’s Fees Pursuant to the Equal Access to Justice Act (ECF No. 28) is **GRANTED**.
2. Plaintiff be awarded \$7,098.73 in reasonable attorney fees, subject to offset by any preexisting debt that Plaintiff owes to the United States.

Dated: November 17, 2021

s/Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

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