

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SHEILA COLEMAN,)	
)	
Plaintiff,)	
)	
vs.)	No. 4:16CV00830 AGF
)	
NANCY BERRYHILL, Acting Commissioner)	
of Social Security,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff’s counsel’s motion for attorney’s fee pursuant to the Social Security Act, 42 U.S.C. § 406(b). Plaintiff in this action challenged Defendant’s decision that Plaintiff was not disabled under the Act and thus not entitled to Supplemental Security Income. Plaintiff entered into a contingency fee agreement with counsel agreeing that, should she prevail in this action and receive past-due benefits from the Social Security Administration, counsel would be entitled to 25% of such benefits for work performed in the district court. Following this Court’s Order dated September 1, 2017, reversing and remanding the case for a determination of benefits, Plaintiff was awarded past-due benefits through August 2017 in the amount of \$51,000.

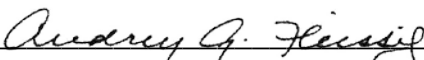
By Order dated December 13, 2017, the Court awarded Plaintiff \$5,297.94 in attorney’s fees under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d), to be paid directly to Plaintiff. Plaintiff’s counsel now asks for fees in the amount of \$12,768.00 pursuant to 42 U.S.C. § 406(b) and the contingency fee agreement with

Plaintiff. Counsel requests that, in granting the motion, the Court order counsel to reimburse Plaintiff for the \$5,297.94 previously awarded in EAJA fees. Defendant states that she does not object to the motion. The Court's review of the record indicates that the amount of fees sought is reasonable and no more than 25% of Plaintiff's past due benefits, and that Plaintiff's counsel is, therefore, entitled to these fees, subject to a refund to Plaintiff of the EAJA fees previously awarded. *See Gisbrecht v. Barnhart*, 535 U.S. 789, 793 (2002).

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's counsel's motion for attorney's fees under 42 U.S.C § 406(b) is **GRANTED** in the amount of \$12,768.00. (ECF No. 26.)

IT IS FURTHER ORDERED that Plaintiff's counsel shall reimburse Plaintiff for the \$5,297.94 previously awarded in EAJA fees.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 14th day of March, 2018