

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

REBECCA A. DOUGLASS,)
)
 Plaintiff,)
)
 vs.)
)
 MICHAEL J. ASTRUE,)
 COMMISSIONER OF THE SOCIAL)
 SECURITY ADMINISTRATION,)
)
 Defendant.)

4:09CV3124

**MEMORANDUM
AND ORDER**

This matter is before the court upon Plaintiff’s application for attorney fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 ([filing 29](#)). Plaintiff requests fees in the total amount of \$4,294.37, which represents 24.8 hours of work by her attorney, at an average hourly rate of \$173.16. Defendant does not oppose Plaintiff’s application. *See* [filing 32](#).

The court has determined that Plaintiff was indeed the prevailing party in this action, as the Commissioner’s decision was reversed and remanded for calculation and payment of benefits; that the application for fees was filed in a timely fashion; and that the position of the Commissioner was not substantially justified. Plaintiff therefore is entitled to an award of reasonable attorney fees.

Accordingly,

IT IS ORDERED that:

1. The Plaintiff’s application for attorney fees pursuant to the Equal Access to Justice Act ([filing 29](#)) is granted; and
2. The Plaintiff is awarded an attorney fee in the amount of \$4,294.37, payable to the Plaintiff as litigant and may be subject to offset to satisfy any pre-existing debt the litigant may owe to the United States.

Dated this 25th day of April, 2011.

BY THE COURT:

s/F.A. Gossett, III
United States Magistrate Judge