

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

MISCHA P. DIX,	)	8:08CV270
	)	
Plaintiff,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
MICHAEL J. ASTRUE,	)	
Commissioner of the	)	
Social Security Administration,	)	
	)	
Defendant.	)	

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 [18](#).) Plaintiff requests fees in the total amount of \$3,665.75, which represents 21.5 hours of work by her attorney, at an average hourly rate of \$170.50.<sup>1</sup> The application also requests reimbursement of costs in the amount of \$350.00, for the filing fee. Defendant does not oppose Plaintiff's application. See filing [22](#).

The court has determined that Plaintiff was indeed the prevailing party in this action, as the Commissioner's decision was reversed and matter remanded for further proceedings; 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,

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<sup>1</sup> This average hourly rate equals the statutory maximum of \$125.00, adjusted on a monthly basis to account for inflation since March 1996.

IT IS ORDERED that:

1. Plaintiff's application for attorneys fees pursuant to the Equal Access to Justice Act (filing [18](#)) is granted.

2. By separate document, the court shall enter judgment for Plaintiff and against Defendant, providing that Plaintiff is awarded attorney fees of \$3,665.75, and taxable costs in the amount of \$350.00.

January 26, 2009

BY THE COURT:

*s/ Richard G. Kopf*  
United States District Judge