

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ERIC A. GRIFFIN, A Minor Child;

Plaintiff,

vs.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security;

Defendant.

8:13CV365

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 No. 27](#)). Defendant has no objection to awarding of fees and expenses in the amount of \$6,225.00, the amount requested by the plaintiff, representing 41.5 hours of attorney work at \$150.00 per hour.

The Social Security Act authorizes a federal district court to award attorney fees for representation before the court under § 406(b). District courts are responsible for conducting an "independent check" to ensure the fee award is reasonable. [Gisbrecht v. Barnhart, 535 U.S. 789, 807 \(2002\)](#). The court has reviewed the fee application, the underlying case, the arguments raised, and the outcome. Plaintiff was the prevailing party in this action; the Commissioner's decision was reversed and the matter was remanded for further proceedings; the position of the Commissioner was not substantially justified; the application for fees was filed in a timely fashion; and the Plaintiff's net worth did not exceed \$2 million when the action was filed.

Based on the information of record, the court finds the motion for attorney's fees pursuant to [42 U.S.C. § 406\(b\)](#) in the amount of \$6,225.00, is reasonable and should be granted.

Accordingly,

IT IS ORDERED:

- 1) Plaintiff's application for attorneys fees pursuant to the Equal Access to Justice Act, ([filing no. 27](#)), is granted; and
- 2) By separate document, the court will enter judgment for Plaintiff and against Defendant providing that Plaintiff is awarded attorney fees of \$6225.00.
- 3) This EAJA fee is payable to Plaintiff as the litigant and may be subject to offset to satisfy a pre-existing debt that the litigant owes to the United States.

December 8, 2014.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge

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