

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

TILO'E C. WILLIAMS,

Plaintiff,

vs.

CAROLYN W. COLVIN, Commissioner of  
Social Security;

Defendant.

**8:16CV60**

**MEMORANDUM AND ORDER**

This matter is before the Court on plaintiff's motion for attorney fees. [Filing No. 20](#). Plaintiff is the prevailing party in this case, as this Court awarded him benefits. [Filing No. 18](#). Pursuant to The Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, the plaintiff requests attorney fees.

The EAJA provides for attorney fees in the amount of \$125.00 per hour for actions filed after March 29, 1996. The act provides that the hourly rate can be adjusted upwards pursuant to cost of living increases, (COLA). The current consumer price index is \$241.00. (See [Filing No. 20-2](#), Ex. B). The consumer price index as of December 2015, was \$236.00. The consumer price index as of March 29, 1996, was \$155.70.

Plaintiff moves for \$3,558.10 dollars for fees. See [Filing No. 20-1](#), Ex. A (hourly rate of \$189.00, adjusted upwards for COLA, for 1.1 hours of work performed in December of 2015, or \$207.90, and a \$193.00 rate or \$3,350.20 for 17.4 hours of work done in 2016). The Commissioner does not dispute that plaintiff is entitled to fees in this case. The only dispute is the amount of fees that the Court should award to the plaintiff. The Commissioner contends that plaintiff made a miscalculation on the math involved in his computation in terms of the number of hours requested, and he is

entitled to nearly \$20.00 less than requested. The Commissioner states that plaintiff “miscalculates the subtotal for work performed in 2016, which should be \$3,338.90, rather than the stated \$3,358.20. Accordingly, the total fee award should be \$3,546.80, rather than the \$3,566.10 in plaintiff’s motion (Filing 20; Filing 20 at 2). Defendant has no objection to an award of \$3,546.80 in attorney fees under the EAJA.” [Filing No. 21, at 1.](#)

Plaintiff further requests that the fee be paid directly to counsel, pursuant to their fee agreement. [Filing No. 20-3](#), Ex. C.

The Court has carefully reviewed the motion and finds that the motion should be granted. The plaintiff is the prevailing party. The hourly rates are reasonable in this community. Counsel is experienced and achieved positive results for his client. The hours expended are reasonable. However, the Court agrees with the Commissioner that the math calculation appears to be off by \$20.00.

THEREFORE, IT IS ORDERED THAT:

1. Plaintiff’s motion for attorney fees is granted. [Filing No. 20.](#)
2. Fees to be paid by the Social Security Administration are awarded in the amount of \$3,546.80 and are payable to the plaintiff as the litigant and may be subject to offset to satisfy any pre-existing debt owed to the United States.

Dated this 14th day of November, 2016

BY THE COURT:

s/ Joseph F. Bataillon  
Senior United States District Judge