

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION

CATHERINE D. POWER, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 NANCY A. BERRYHILL, )  
 ACTING COMMISSIONER )  
 OF SOCIAL SECURITY, )  
 )  
 Defendant. )

Civ. No. 5:14-00148-GCM

**ORDER**

Plaintiff's counsel filed a motion for approval of attorney fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), in the amount of \$11,500, with \$5,500 to be remitted to Plaintiff. Attorney fees under section 206(b) are paid from past-due benefits awarded to a successful claimant. 42 U.S.C. § 406(b).

Defendant filed a response, stating that, under *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002), it is the duty of the Court to determine a reasonable fee.

The Court has reviewed the request of Plaintiff's counsel in light of his supporting affidavits and fee agreement. Pursuant to the fee agreement reached by Plaintiff and Plaintiff's counsel, counsel was authorized to receive up to 25% of her past due benefits, or \$15,705. Counsel only requests \$11,500, which, as compensation for counsel's 74.9 hours of work, amounts to an hourly fee of \$153.54. The Court finds that this amount is reasonable in light of the complexity of the case, the skills of counsel, the successful result on remand, and the contingency risk involved. *See Mudd v. Barnhart*, 418 F.3d 424, 428 (4th Cir. 2005).

It is therefore **ORDERED** that Plaintiff's counsel be awarded fees under 42 U.S.C. § 406(b) in the amount of \$11,500.

**SO ORDERED.**

Signed: February 26, 2018

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

