

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

John Harold Wycoff,	:	
	:	
Plaintiff,	:	
	:	Case Number: 1:13-cv-641
vs.	:	
	:	Judge Michael R. Barrett
	:	
Commissioner of Social Security,	:	
	:	
Defendant.	:	

ORDER

This matter is before the Court on the Magistrate Judge’s October 18, 2017 Report and Recommendation (“R&R”) that Plaintiff’s Motion for Attorney Fees under Social Security Act, 42 U.S.C. § 406(b)(1) be granted. (Doc. 30). The parties were given proper notice under Rule 72(b) of the Federal Rules of Civil Procedure, including notice that the parties would waive further appeal if they failed to file objections to the R&R in a timely manner. See *United States v. Walters*, 638 F.2d 947, 949-950 (6th Cir. 1981). The Commissioner filed a Response to the R&R. (Doc. 31).

Pursuant to 42 U.S.C. § 406(b), a court may allow a “reasonable fee” for court-related services not exceeding twenty-five percent of a claimant’s past-due benefits. 42 U.S.C. § 406(b)(1)(A). When seeking fees under § 406(b), “the attorney must show, and the Court must affirmatively find, that a contingency fee sought, even one within the 25% cap, is reasonable for the services rendered.” *Lowery v. Com’r of Soc. Sec.*, 940 F.Supp.2d 689, 691-92 (S.D.Ohio 2013) (citing *Gisbrecht v. Barnhart*, 535 U.S. 789, 807, 122 S.Ct. 1817, 152 L.Ed.2d 996 (2002)).

