

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

HEATHER KIRK,	:	Case No. 3:18-cv-186
	:	
Plaintiff,	:	Magistrate Judge Sharon L. Ovington
	:	(by full consent of the parties)
vs.	:	
	:	
COMMISSIONER OF THE SOCIAL	:	
SECURITY ADMINISTRATION,	:	
	:	
Defendant.	:	

DECISION AND ENTRY

This case is before the Court upon Plaintiff’s Motion for Authorization of Attorney Fees Pursuant to 42 U.S.C. § 406(b). (Doc. #16). Plaintiff indicated that the Commissioner does not oppose this Motion.

Plaintiff seeks an award of attorney fees under 42 U.S.C. § 406(b)(1) in the total amount of \$13,375.50. In the absence of opposition by the Commissioner, the Motion and supporting exhibits establish that an award of attorney fees is reasonable and warranted under 42 U.S.C. § 406(b)(1) in the amount Plaintiff seeks.

Plaintiff did not request or receive attorney fees under the Equal Access to Justice Act. Counsel may not recover attorney fees under both the EAJA and 42 U.S.C. § 406(b) for the same work. *See Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002).

IT IS THEREFORE ORDERED THAT:

1. The Motion for Authorization of Attorney Fees Pursuant to 42 U.S.C. § 406(b) (Doc. #16) filed by Plaintiff’s attorney is

GRANTED;

2. The Commissioner shall pay Plaintiff's attorney fees pursuant to 42 U.S.C. § 406(b)(1) in the amount of \$13,375.50; and
3. The case remains terminated on the docket of this Court.

IT IS SO ORDERED.

May 19, 2020

s/Sharon L. Ovington

Sharon L. Ovington
United States Magistrate Judge