Dennison v. Social Security Administration Doc. 23

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

TABITHA I. DENNISON,	)	
PLAINTIFF,	)	
	)	
vs.	)	**CASE NO. 11-CV-245-FHM**
	)	
MICHAEL J. ASTRUE, Commissioner,	)	
Social Security Administration,	)	
DEFENDANT.	)	

OPINION AND ORDER

Plaintiff has filed a Motion for Award of Attorney's Fees Pursuant to the Equal Access to Justice Act [Dkt. 21] (EAJA), 28 U.S.C. § 2412(d). The motion requests an award of $4,984.30 in attorney fees. The Commissioner filed a Response stating he has no objection to the Court awarding EAJA fees in the amount of $4,984.30.

The Court finds the hourly rate and number of hours expended to be reasonable. Plaintiff is GRANTED EAJA fees in the amount of $4,984.30. In the event attorney fees are also awarded under 42 U.S.C. § 406(b)(1), Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

SO ORDERED this 18th day of December, 2012.

Frank H. McCarthy

FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE

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