

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

TARA BOUSE,

Plaintiff,

vs.

Case No. 13-CV-335-FHM

CAROLYN W. COLVIN,
Acting Commissioner, Social Security
Administration,

Defendant.

OPINION AND ORDER

Plaintiff's Application for Award of Attorney Fees, [Dkt. 34], is before the court for decision. The time for filing a response has passed and the Commissioner has not filed a response opposing the Application.

Plaintiff seeks an award of attorney fees in the amount of \$4,731.10 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412.

The undersigned finds that the amount of the fee request is reasonable. Based on that finding and the absence of any objection to the amount of the request, the undersigned finds that Plaintiff should be awarded EAJA fees in the amount of \$4,731.10. *Astrue v. Ratliff*, 130 S.Ct. 2521, 2524 (2010)(a §2412(d) fee award is payable to the litigant).

Pursuant to the Commissioner's usual practice, the check should be made payable to Plaintiff and mailed to counsel's address. If Plaintiff's attorney receives the fees awarded herein and attorney fees are also awarded and received by counsel under 42 U.S.C. § 406(b) of the Social Security Act, counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

SO ORDERED this 16th day of June, 2014.


FRANK H. MCCARTHY
UNITED STATES MAGISTRATE JUDGE