

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

KAFFIEA HARLAN,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-13-477-D
)	
CAROLYN W. COLVIN,)	
Acting Commissioner,)	
Social Security Administration,)	
)	
Defendant.)	

ORDER AWARDING ATTORNEY FEES

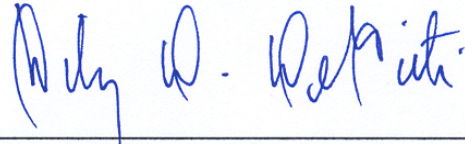
This matter comes before the Court for consideration of Plaintiff’s Motion for Attorney’s Fees Under the Equal Access to Justice Act [Doc. No. 20], filed pursuant to 28 U.S.C. § 2412. Plaintiff seeks an award of fees in the amount of \$4,785.00 for legal services provided by her attorney in the case (27.5 hours). Plaintiff is the prevailing party in this action under 42 U.S.C. § 405(g) by virtue of the Judgment entered July 14, 2014. Defendant has responded by stating that the Acting Commissioner has no objection to an award payable to Plaintiff, consistent with *Astrue v. Ratliff*, 560 U.S. 586 (2010).

After consideration of the law, the record, and the arguments of the parties, the Court finds: (1) the Commissioner’s position in the case was not substantially justified; (2) Plaintiff is entitled to an award of attorney fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(d); and (3) the amount of attorney fees requested is reasonable.

IT IS THEREFORE ORDERED that Plaintiff’s Motion is GRANTED. The Court orders an award of attorney fees to Plaintiff pursuant to the Equal Access to Justice Act in the amount of \$4,785.00. Should an additional fee award under 42 U.S.C. § 406(b) subsequently be authorized,

Plaintiff's attorney shall refund the smaller amount to Plaintiff as required by *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED this 30th day of July, 2014.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE