

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

REBECCA D. YOUNG,

Plaintiff,

v.

**NANCY A. BERRYHILL,
Acting Commissioner of the
Social Security Administration,**

Defendant.

Case No. CIV-16-1332-CG

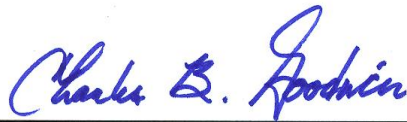
ORDER

On June 30, 2017, the Court entered an Order and a Judgment reversing the final decision of the Acting Commissioner and remanding this case for further administrative proceedings under the fourth sentence of 42 U.S.C. § 405(g). Order (Doc. No. 23); J. (Doc. No. 24); *see also* Def.’s Unopp. Mot. to Remand (Doc. No. 22) at 1-2. Plaintiff Rebecca D. Young now timely requests an award of attorney’s fees in the amount of \$4651.00 pursuant to the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412. Pl.’s Mot. (Doc. No. 25). Defendant has notified the Court that she does not object to Plaintiff’s requested award. Def.’s Resp. (Doc. No. 26) at 1.

Having considered Plaintiff’s request and the relevant record, the Court finds that: Plaintiff “is a ‘prevailing party’; (2) the position of the United States was not ‘substantially justified’; and (3) there are no special circumstances that make an award of fees unjust” in this case. *Hackett v. Barnhart*, 475 F.3d 1166, 1172 (10th Cir. 2007) (quoting 28 U.S.C. § 2412(d)(1)(A)); *see* Pl.’s Br. (Doc. No. 16) at 8-22; Def.’s Unopp. Mot. to Remand at 1-

2. Accordingly, the Court GRANTS Plaintiff's Motion (Doc. No. 25) and awards fees in the amount of \$4651.00, with said amount to be paid directly to Plaintiff Rebecca D. Young and sent in care of Marianna E. McKnight, Esq., 2448 East 81st Street, Suite 2038, Tulsa, Oklahoma 74137. If attorney's fees are also awarded under 42 U.S.C. § 406(b), Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED this 1st day of September, 2017.



CHARLES B. GOODWIN
UNITED STATES MAGISTRATE JUDGE