

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

PETER T. GRIMES,)	
)	
Plaintiff,)	
)	Case No. CIV-17-257-D
vs)	
)	
NANCY A. BERRYHILL,)	
Acting Commissioner of the Social)	
Security Administration,)	
)	
Defendant.)	

ORDER AWARDING ATTORNEY FEES

This matter comes before the Court for consideration of Plaintiff’s Application for Award of Attorney’s Fees Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 [Doc. No. 27]. Plaintiff seeks an award of fees in the amount of \$5,084.70 to compensate his attorney for legal services provided in the case. Plaintiff is the prevailing party in this action under 42 U.S.C. § 405(g) by virtue of the Judgment and Order of Remand entered March 12, 2018. Defendant has responded by stating that she has no objection to an award of \$5,084.70 payable to Plaintiff, consistent with *Astrue v. Ratliff*, 560 U.S. 586, 597 (2010), and *Manning v. Astrue*, 510 F.3d 1246, 1255 (10th Cir. 2007).

After consideration of the law, the case 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 fees requested is reasonable.

IT IS THEREFORE ORDERED that Plaintiff's Application for Award of Attorney's Fees [Doc. No. 27] is GRANTED. The Court orders an award of attorney fees to Plaintiff pursuant to the Equal Access to Justice Act in the amount of \$5,084.70. 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 21st day of May, 2018.

A handwritten signature in blue ink, reading "Timothy D. DeGiusti". The signature is written in a cursive style with a horizontal line underneath it.

TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE