

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

ADINA MARIE DIGIANTOMASSO	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case Number CIV-19-631-C
	)	
ANDREW SAUL,	)	
Commissioner of the Social Security	)	
Administration,	)	
	)	
Defendant.	)	

**MEMORANDUM OPINION AND ORDER**

Having recently obtained a remand to the Commissioner for further proceedings, Plaintiff has filed an Application for Award of Attorney’s Fees Under the Equal Access to Justice Act, 28 U.S.C. § 2412 (“EAJA”). Defendant does not object to the fee request, but notes that pursuant to Astrue v. Ratliff, 560 U.S. 586 (2010), fee awards under the EAJA must be made to the party, not the attorney.

After consideration of Plaintiff’s request and the relevant time entries, the Court finds Plaintiff’s motion should be granted. Defendant is directed to issue payment in accordance with the governing law. Additionally, in the event Plaintiff later requests and receives an attorneys’ fee award pursuant to 42 U.S.C. § 406(b), the smaller amount should be refunded to Plaintiff by his counsel. Weakley v. Bowen, 803 F.2d 575, 580 (10th Cir. 1986).

As set forth more fully herein, Plaintiff's Application for an Award of Attorney's Fees Under the Equal Access to Justice Act (Dkt. No. 30) is GRANTED. Plaintiff is awarded attorney's fees in the amount of \$6,420.10.

IT IS SO ORDERED this 10th day of December 2020.

  
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ROBIN J. CAUTHRON  
United States District Judge