

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ELIZABETH WINSLOW,

Plaintiff,

No. 02:13-cv-00467-HZ

v.

COMMISSIONER OF SOCIAL SECURITY,

ORDER

Defendant.

Plaintiff Elizabeth Winslow brought this action seeking review of the Commissioner's final decision to deny disability insurance benefits (DIB). In an April 7, 2014 Opinion & Order, I reversed the Commissioner's decision, concluding that the Administrative Law Judge (ALJ) had improperly rejected an examining physician's opinion. I ordered that the case be remanded for a determination of benefits. Judgment was entered on April 7, 2014.

Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). Defendant has no objection to the request. I have reviewed the record in the case, the motion, and the supporting materials including the award of benefits, the fee agreement with counsel, and the time records


submitted in connection with the prior Equal Access to Justice Act (EAJA) fee petition.

Applying the standards set by Gisbrecht v. Barnhart, 535 U.S. 789, 796 (2002), I find the requested fees reasonable.

I grant the motion [#27] and award Plaintiff's counsel \$16,772.50 in attorney's fees under 42 U.S.C. § 406(b). Previously, I awarded Plaintiff attorney's fees in the amount of \$6,375.61 under EAJA. When issuing the section 406(b) check for payment to Plaintiff's attorney, the Commissioner is directed to subtract the amount previously awarded under EAJA and send Plaintiff's attorney the balance of \$10,396.89, less any applicable processing fees as allowed by statute.

IT IS SO ORDERED.

Dated this 19 day of November, 2014



Marco A. Hernandez
United States District Judge