

1 CHAD HATFIELD
2 Attorney at Law
3 Hatfield Law Office
4 8131 W Klamath Ct, Ste D
5 Kennewick, WA 99336
6 Telephone: (509) 378-3696
7 Attorney for Plaintiff

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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PENDLETON DIVISION**

JOSHUA DOW,

Plaintiff,

vs.

MARTIN O'MALLEY,
Commissioner of the Social Security
Administration,

Defendant.

Case No. 2:24-cv-00527-MK

ORDER GRANTING PLAINTIFF'S
PETITION FOR EAJA FEES

BEFORE THE COURT is Plaintiff's motion for an award of attorney fees pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. §2412. (Ct. Rec. 13.) Attorney CHAD HATFIELD represents Plaintiff, United States Attorney for the District of Oregon, Natalie Wight, Civil Division Chief, Kevin Danielson and Special Assistant United States Attorney L. Jamala Edwards, represent the Defendant.

On August 6, 2024, this Court issued its STIPULATED REMAND FOR ADDITIONAL PROCEEDINGS (Ct. Rec. 11/12). Plaintiff now moves for an award of attorney fees pursuant to EAJA (Ct. Rec. 13.)

The EAJA provides for an award of attorney fees to private litigants who both prevail in civil actions (other than tort) against the United States and timely file a petition for fees. 28

1 U.S.C. §2412(d)(2)(A). Under the EAJA, the court shall award attorney fees to the prevailing
2 party unless it finds the government’s position was “substantially justified or that special
3 circumstances make such an award unjust.” 28 U.S.C. §2412(d)(1)(A).

4 Plaintiff seeks attorney fees of \$1,272.02 based on an attorney fee rate of \$244.62 per
5 hour for 5.2 hours worked in 2024. Accordingly, after review,
6

7 **IT IS ORDERED:**

8 (1) The Plaintiff’s Motion (Ct. Rec. 13.) is **GRANTED**. The Commissioner is
9 directed to pay Plaintiff EAJA fees of \$1,272.02.

10 (2) The award to plaintiff shall be delivered or otherwise transmitted to plaintiff’s
11 attorney of record. Address for the attorney for the Plaintiff:
12

13 Chad Hatfield
14 8131 W Klamath Ct, Ste D
15 Kennewick, WA 99336

16 (3) EAJA fees, expenses, and costs are subject to any offsets allowed under the
17 Treasury Offset Program (TOP), as discussed recently in *Astrue v. Ratliff*, ___ U.S. ____
18 (2010), 130 S. Ct. 2521, 2522 (2010). No costs or expenses are awarded.

19 (4) The District Court Executive is directed to file this Order, provide a copy to
20 plaintiff as the prevailing party, plaintiff’s counsel, and defendant’s counsel, and **CLOSE** the
21 file.

22 **IT IS SO ORDERED.**

23 DATED this 22nd day of November 2024.
24

25 s/ Mustafa T. Kasubhai
26 MUSTAFA T. KASUBHAI (He / Him)
27 United States Magistrate Judge
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