

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MEGAN ELIZABETH ALTORFER,

No. 3:14-cv-01933-HZ

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

ORDER

Defendant.

Plaintiff Megan Altorfer brought this action seeking review of the Commissioner's final decision to deny disability insurance benefits (DIB) and supplemental security income (SSI). In a December 18, 2015 Opinion & Order, I reversed the Commissioner's decision, and ordered that the case be remanded for a determination of benefits. Judgment was entered on December 18, 2015.

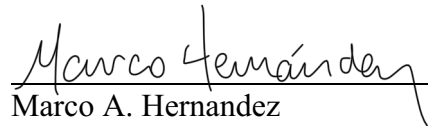
Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). Defendant has no objection to the request. I have reviewed the record in the case, the motion, and the supporting materials including the award of benefits, the fee agreement with counsel, and the recitation of

counsel's hours and services (which were previously filed with the earlier application for fees under the Equal Access to Justice Act). Applying the standards set by *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002), I find the requested fees reasonable.

I grant the motion [33] and award Plaintiff's counsel \$37,576.75 in attorney's fees under 42 U.S.C. § 406(b). Previously, I awarded Plaintiff attorney's fees in the amount of \$10,127.36 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. When issuing the § 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 \$27,449.39, less any applicable processing fees as allowed by statute. Any amount withheld after all administrative and court attorney's fees are paid should be released to the claimant.

IT IS SO ORDERED.

Dated this 28 day of March, 2018



Marco A. Hernandez
United States District Judge