

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

CAROL MARIE COWAN,

No. 3:15-cv-00662-HZ

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

ORDER

Defendant.

Plaintiff Carol Marie Cowan brought this action seeking review of the Commissioner's final decision to deny disability insurance benefits (DIB). Based on a stipulated motion by the parties, the case was remanded to the Commissioner on March 16, 2016, for further administrative proceedings. Judgment was entered on that same date.

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. Applying the standards set by Gisbrecht v. Barnhart, 535 U.S. 789,

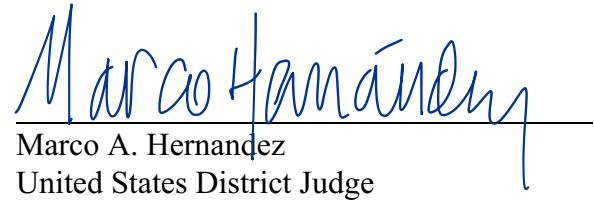
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796 (2002), I find the requested fees reasonable.

I grant the motion [#28] and award Plaintiff's counsel \$9,774 in attorney's fees under 42 U.S.C. § 406(b). Previously, I awarded Plaintiff attorney's fees in the amount of \$6,270 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, ECF 24. 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 \$3,504, 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 9 day of Jan, 2017


Marco A. Hernandez
United States District Judge