

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JOSE ANTONIO ALVAREZ,)
)
 Plaintiff,)
)
 v.)
)
 COMMISSIONER,)
 Social Security Administration,)
)
 Defendant.)
 _____)

Case No. 6:15-cv-01981-YY
ORDER GRANTING PLAINTIFF’S
MOTION FOR ATTORNEY FEES
PURSUANT TO 42 U.S.C. § 406(b)

YOU, Magistrate Judge:

Plaintiff Jose Antonio Alvarez brought this action seeking review of the Commissioner’s final decision denying his application for Disability Insurance Benefits under the Social Security Act. The Court reversed the Commissioner’s decision, remanded the case for further proceedings, and entered judgment on December 6, 2016.

Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). Defendant has not objected to the request. I have reviewed the record in this 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, 796 (2002), the Court finds that the requested fees are reasonable.

Plaintiff's Motion for Attorney Fees Pursuant to 42 U.S.C. 406(b) [25] is hereby GRANTED, and Plaintiff's counsel is awarded \$13,314.90 in attorney's fees under 42 U.S.C. § 406(b). Previously, the Court awarded Plaintiff attorney fees in the amount of \$6,150.97 under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. In addition, Plaintiff's hearing representative will receive an administrative fee of \$6,000.00. When issuing the § 406(b) check for payment to Plaintiff's attorney, the Commissioner is directed to subtract the amounts awarded for EAJA and administrative fees and send Plaintiff's attorney the balance of \$1,163.93, less any applicable processing or user fees prescribed by statute. Any amount withheld after all administrative and court attorney fees are paid should be released to the claimant.

IT IS SO ORDERED.

DATED this 21st day of December 2017.

/s/Youlee Yim You

YOULEE YIM YOU

United States Magistrate Judge

Proposed Order submitted by:
Katherine L. Eitenmiller
HARDER, WELLS, BARON & MANNING, P.C.
474 Willamette Street
Eugene, OR 97401
(541) 686-1969
keitenmiller@hwbm.net
Of Attorneys for Plaintiff