

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

CRAIG F. HARDIN,

Plaintiff,

vs.

COMMISSIONER,
Social Security Administration,

Defendant.

Case No. 6:15-cv-02111-SI

ORDER GRANTING PLAINTIFF'S
UNOPPOSED MOTION FOR
ATTORNEY FEES PURSUANT TO 42
U.S.C. § 406(b)

Plaintiff Craig F. Hardin brought this action seeking review of the Commissioner's final decision denying his application for Disability Insurance Benefits under the Social Security Act. Based on the stipulation of the parties, the Court granted a motion to remand the matter for further administrative proceedings and entered Judgment on October 26, 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 Unopposed Motion for Attorney Fees Pursuant to 42 U.S.C. 406(b) is hereby GRANTED, and Plaintiff's counsel is awarded \$10,956.88 in attorney's fees under 42 U.S.C. § 406(b). This award represents 25% of Plaintiff's retroactive benefits. The Court previously awarded Plaintiff's counsel fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C, § 2412. ECF Dkt. 22. However, those fees were not paid to Plaintiff's counsel, as they were garnished to pay Plaintiff's debt to the Government. Consequently, the requested fees under § 406(b) are not offset by the previously awarded EAJA fees.

When issuing the § 406(b) check for payment to Plaintiff's attorney, the Commissioner is directed to send the full award of \$10,956.88, less any applicable processing or user fees prescribed by statute, to Plaintiff's attorneys at HARDER, WELLS, BARON & MANNING, P.C., 474 Willamette Street, Eugene, Oregon 97401. Any amount withheld after all administrative and court attorney fees are paid should be released to the claimant.

IT IS SO ORDERED this 17th day of July 2019.

/s/ Michael H. Simon
MICHAEL H. SIMON
United States District Judge

Proposed Order submitted by:
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