

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

TIMOTHY JOE LARSON,

Plaintiff,

v.

COMMISSIONER, SOCIAL SECURITY
ADMINISTRATION,

Defendant.

Civ. No. 6:16-cv-00805-CL

OPINION & ORDER

CLARKE, Magistrate Judge.

This case comes before the Court on Plaintiff's Motion for Attorney Fees (#23). Plaintiff moves the Court for approval of attorney's fees in the amount of \$22,859.75 under 42 U.S.C. § 406(b). This Court previously awarded \$6,146.49 in Equal Access to Justice Act ("EAJA") fees.

A fee awarded pursuant to 42 U.S.C. § 406(b) cannot exceed 25% of the retroactive benefits. *Crawford v. Astrue*, 586 F.3d 1142, 1147 (9th Cir. 2009). The requested fee, combined with the \$6,000 agency fee presumed, is 25% of the retroactive benefits (\$115,439.00) awarded

to Plaintiff. Having reviewed the proceedings and the amount of fees sought, the Court concludes that the requested fee is reasonable.

Therefore, Plaintiff's Motion for Attorney Fees (#23) is GRANTED. The agency is directed to issue the § 406(b) fee in the amount of \$22,859.75, minus any user fee or administrative fee. Such funds shall be paid to Schneider, Kerr & Robichaux, P.O. Box 14490, Portland, OR 97293. The previously awarded EAJA fee in the amount of \$6,146.49 shall be refunded to Plaintiff upon counsel's receipt of the § 406(b) fee awarded.

IT IS SO ORDERED AND DATED this 5 day of March, 2020.



MARK D. CLARKE
United States Magistrate Judge