

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Tracy Condrey,)
Plaintiff,) C/A No. 4:16-3078-MBS
vs.)
Andrew Saul, Commissioner of Social)
Security,)
Defendant.)

_____)

O R D E R

On September 12, 2016, Plaintiff Tracy Condrey brought this action to obtain judicial review of a final decision of Defendant Commissioner of Social Security denying Plaintiff's claims for disability benefits. See 42 U.S.C. § 405(g). On November 7, 2017, the court remanded the cause to the Commissioner pursuant to sentence four of § 405(g) for further administrative proceedings. By order filed February 20, 2018, the court awarded \$3,559.07 (attorney's fees in the amount of \$3,539.06, plus expenses in the amount of \$20.01) to Plaintiff's counsel pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

This matter is before the court on Plaintiff's motion for attorney's fees filed July 27, 2019. Counsel moves for an order awarding an attorney's fee of \$31,095.13 under the Social Security Act, 42 U.S.C. § 406(b).¹ On August 23, 2019, the Commissioner filed a response informing the court that he has no objection to Plaintiff's motion for fees. The Commissioner notes, however, that the fees previously awarded under § 2412 should be remitted to Plaintiff by counsel. See Gisbrecht v.

² The fee requested constitutes 25% of the past due benefits awarded to Plaintiff, in accordance with the fee agreement between Plaintiff and counsel and as permitted by 42 U.S.C. § 406(b). Plaintiff received past benefits in the amount of \$124,380.50.

Barnhart, 535 U.S. 789, 796 (2002). Counsel represents that, once the fees requested herein are approved, he will refund the \$3,559.07 attorney's fee and expenses previously awarded to Plaintiff.

Accordingly, Plaintiff's motion for fees under 42 U.S.C. § 406(b) is **granted** in the amount of \$31,095.13. Counsel for Plaintiff is directed to promptly refund to Plaintiff the previously awarded attorney's fee of \$3,559.07.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
Senior United States District Judge

Columbia, South Carolina

August 27, 2019