

demonstrating that its litigation position was substantially justified. 28 U.S.C. § 2412(d)(1)(A); *Crawford v. Sullivan*, 935 F.2d 655, 658 (4th Cir.1991). “Substantial justification” is more than “merely undeserving of sanctions for frivolousness” and the Government's position must be “reasonable . . . both in law and in fact.” *Pierce v. Underwood*, 487 U.S. 552, 565–66, 108 S.Ct. 2541, 101 L.Ed.2d 490 (1988).

The court has made an independent review of the itemized Plaintiff’s attorney time and rates, as well as the costs sought, and finds them reasonable and in accord with applicable law. *Gisbrecht v. Barnhart*, 535 U.S. 789, 122 S.Ct. 1817, 152 L.Ed.2d 996 (2002). Based on the foregoing, the Court GRANTS Plaintiff’s motion for attorney’s fees and costs under the EAJA

Accordingly, it is ORDERED that Plaintiff is awarded the \$2,913.69 for attorney’s fees and \$350 in costs for a total award of \$3263.69.

The Commissioner is directed to make the check payable to the Plaintiff and to deliver the check to the office of Plaintiff’s counsel.

IT IS SO ORDERED.

/s/ Mary G. Lewis
UNITED STATES DISTRICT JUDGE

Spartanburg, South Carolina

July 28, 2014