

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

STACI D. HEARLSON,  
Plaintiff,

vs.

Case No. 06-1120-JTM

MICHAEL J. ASTRUE, Commissioner of  
Social Security,

Defendant.

MEMORANDUM AND ORDER

This matter is before the Court on the plaintiff Staci Hearlson's Motion for Attorney Fees (Dkt. No. 35). Hearlson seeks \$15,709.45 in fees pursuant to 42 U.S.C. § 406(b). The defendant states that he has no objection to the timeliness (Dkt. No. 36, at 2) or the amount requested. (*Id.* at 3). The defendant does state that pursuant to law the Court should require plaintiff to return the prior award under the Equal Access to Justice Act (EAJA). (Dkt. No. 34). The court finds that Hearlson's Application for Fees was timely under the circumstances of the case and hereby grants plaintiff's Motion, further directing that plaintiff return the prior award under the EAJA.

IT IS SO ORDERED this 16<sup>th</sup> day of July, 2009.

s/ J. Thomas Marten  
J. THOMAS MARTEN, JUDGE