

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MELISSA GLENN,

Plaintiff,

vs.

Case No. 06-1277-JTM

MICHAEL J. ASTRUE, COMMISSIONER
OF SOCIAL SECURITY,

Defendant.

MEMORANDUM AND ORDER

The present matter for consideration is plaintiff's application for attorney fees under the Equal Access to Justice Act ("EAJA") (Dkt. No. 17). For the following reasons, the court grants plaintiff's application.

Section 2412(d)(1)(A) of the EAJA provides that a court shall award fees and other expenses incurred by a "prevailing party" in a suit against the United States unless the "position of the United States was substantially justified" or "special circumstances make an award unjust." *Sullivan v. Hudson*, 490 U.S. 877, 883 (1989); *Goatcher v. Chater*, 57 F.3d 980, 981 (10th Cir. 1995). In order to be a "prevailing party" under the Act, a plaintiff must receive some, but not necessarily all, of the relief sought in his action. *Goatcher*, 57 F.3d at 981. A plaintiff who obtains a sentence for remand under 42 U.S.C. § 405(g) is a prevailing party for EAJA purposes. *Shalala v. Schaefer*, 509 U.S. 292, 301-02 (1993).

In the present case, plaintiff is a prevailing party under the EAJA. This court, in a judgment on April 23, 2007, found that the decision of the Commissioner which denied plaintiff's benefits should be reversed under 42 U.S.C. § 405(b) (sentence four). For this reason, the court grants plaintiff's request for attorney fees at the prevailing EAJA rate of \$160.00 per hour for a total of 22.95 hours, in the total amount of \$3,672.00, payable to: The Parmele Law Firm.

IT IS ACCORDINGLY ORDERED this day of July, 2007, that plaintiff's application (Dkt. No. 17) is granted in the amount of \$3,672.00 payable to The Parmele Law Firm.

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