

find that the Commissioner's litigation position was not substantially justified.

Once it has been determined that a social security claimant is entitled to fees under the EAJA, the only remaining questions are the reasonableness of the hours expended and whether the hourly rate falls within the statutorily-authorized range. Plaintiff seeks \$3,341.25 for 18 hours of work, billed at the rate of \$185.62 per hour. The number of hours expended appears reasonable for cases of this type.

As far as the hourly rate is concerned, the Court of Appeals, in Bryant v. Comm'r of Social Security, 578 F.3d 443, 350 (6th Cir. 2009), has said that "[i]n requesting an increase in the hourly-fee rate, Plaintiffs bear the burden of producing appropriate evidence to support the requested increase." This must be done through "satisfactory evidence" Id., quoting Blum v. Stenson, 465 U.S. 886, 895 n.11 (1984). This Court has often required a prevailing social security plaintiff to submit such evidence, typically taking the form of an affidavit as to the attorney's usual billing rate, the prevailing rate in the community, and the increase in the cost of living index. See, e.g., Oblinger v. Astrue, 2012 WL 3224100 (S.D. Ohio Aug. 6, 2012).

Plaintiff has submitted documentation addressing these factors. The Court is satisfied that this documentation meets the "satisfactory evidence" requirement and that an award at the requested rates is appropriate. The Court therefore grants Plaintiff's Application of Attorney Fees under the Equal Access to Justice Act (EAJA) (Doc. 22). Plaintiff is awarded the sum of \$3,341.25 to be paid to counsel for Plaintiff unless there is an offsetting debt owed to the United States.

/s/ Terence P. Kemp
United States Magistrate Judge