

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

KAREN D. MCCLANAHAN,)
 Plaintiff)

v.)

Civil Action No. 1:02cv00124

OPINION

JO ANNE B. BARNHART,)
Commissioner of Social Security,)
 Defendant)

By: PAMELA MEADE SARGENT
United States Magistrate Judge

In this social security action, I am asked to rule on a motion for an attorney’s fee, (Docket Item No. 12) ("the Motion"). Based on the reasoning set out below, the Motion will be denied at this time.

Karen D. McClanahan filed this action challenging the final decision of the Commissioner of Social Security, (“Commissioner”), denying her claim for a period of disability and disability insurance benefits, (“DIB”), under the Social Security Act, as amended, (“Act”), 42 U.S.C.A. § 423 (West 2003). Jurisdiction of this court exists pursuant to 42 U.S.C. § 405(g). The Commissioner answered the suit, filing the administrative record. Thereafter, the court remanded the case to the Commissioner pursuant to "sentence four" of 42 U.S.C. § 405(g) for further consideration and development. McClanahan's attorney has filed a petition seeking approval of a fee of \$1,046.25 for representing McClanahan in this court. The Commissioner has responded that she does not object to the fee request. (Docket Item No. 15.) However, McClanahan’s attorney has not filed an award letter from the Social Security Administration showing that McClanahan was awarded benefits or the amount of

benefits awarded.

For these reasons, the Motion will be denied at this time.

DATED: April 4, 2005.

/s/ Pamela Meade Sargent
UNITED STATES MAGISTRATE JUDGE