

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

MARGARET HUGHES,)
 Plaintiff)

v.)

Civil Action No. 1:03cv00101

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. 7) ("the Motion"). Based on the reasoning set out below, the Motion will be denied.

Margaret Hughes 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 six" of 42 U.S.C. § 405(g) for further consideration and development. Hughes's attorney has filed a petition seeking approval of a fee of \$545.75 for representing Hughes in this court. The Commissioner has responded that she does not object to the fee request. (Docket Item No. 10.) Although Hughes’s attorney represents to the court that Hughes received a favorable disability decision on July 30, 2004, he neither filed the award letter nor represented to the court the amount

of benefits awarded. Furthermore, Hughes's attorney has not provided the court with the required sworn itemized statement of his time expended pursuing her claim in this court. Therefore, I find that an award of an attorney's fee on this record is inappropriate.

For these reasons, the Motion will be denied.

DATED: April 5, 2005.

/s/ Pamela Meade Sargent
UNITED STATES MAGISTRATE JUDGE