

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
ARKANSAS, FORT SMITH DIVISION

Jerry Barnes v. Frank Bisignano, Commissioner, Social Security
Administration

Barnes · No. 2:25-cv-02147-MEF · Decided May 28, 2026

SUMMARY

The court grants Jerry Barnes’s stipulated motion for attorney’s fees under the Equal Access to Justice Act. It awards \$6,000 in fees and no costs, payable to the plaintiff subject to any valid assignment and federal debt offset, and notes that the award must be considered in determining any later fee under 42 U.S.C. § 406.

CASE DETAILS

COURT	United States District Court for the Western District of Arkansas, Fort Smith Division
WRITING FOR THE COURT	Mark E. Ford
JURISDICTION	United States District Court for the Western District of Arkansas, Fort Smith Division
DECIDED	May 28, 2026
DOCKET	2:25-cv-02147-MEF
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for attorney fees under the Equal Access to Justice Act, and the parties stipulated to an award of \$6,000 in fees and no costs.
PRECEDENTIAL VALUE	unpublished
PARTIES	Jerry Barnes v. Frank Bisignano, Commissioner, Social Security Administration

TOPICS

- attorney fees
- costs
- administrative law
- remedies
- civil procedure

PRACTICE AREAS

- Social Security
- administrative law
- attorney fees
- Equal Access to Justice Act

QUESTIONS PRESENTED

1. Whether Plaintiff was entitled to an award of attorney fees under the Equal Access to Justice Act.
2. Whether the stipulated \$6,000 fee award was appropriate under the EAJA.

HOLDINGS

1. Plaintiff was entitled to an EAJA attorney-fee award because he was the prevailing party, the government's decision to deny benefits was not substantially justified, and the parties stipulated to the requested fee.
2. The EAJA award is payable to Plaintiff, but it may be paid directly to Plaintiff's attorney if Plaintiff executed a valid assignment of the fee award and owes no outstanding federal debt.

FACTUAL BACKGROUND

The Commissioner denied Plaintiff Social Security benefits. Plaintiff was the prevailing party in the underlying litigation, and the government's position was not substantially justified. The parties stipulated to \$6,000 in attorney fees and no costs under the EAJA.

PROCEDURAL HISTORY

After prevailing in his Social Security benefits litigation, Plaintiff sought attorney fees under the EAJA. The parties stipulated to an award of \$6,000 in fees and no costs. The district court granted the stipulated award.

DISPOSITION

other

CASES CITED

- Jackson v. Bowen, 807 F.2d 127, 128 (8th Cir. 1986)
- Johnson v. Sullivan, 919 F.2d 503, 505 (8th Cir. 1990)
- Hensley v. Eckerhart, 461 U.S. 424, 430 (1983)
- Astrue v. Ratliff, 560 U.S. 586, 596 (2010)

OPINION

Barnes

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF ARKANSAS

FORT SMITH DIVISION

JERRY BARNES PLAINTIFF

v. CIVIL NO. 2:25-cv-02147- MEF FRANK BISIGNANO, Commissioner Social Security
Administration DEFENDANT

MEMORANDUM OPINION AND ORDER

Pending now before this Court is Plaintiff's Stipulated Motion for Attorney Fees Under the Equal Access to Justice Act. (ECF No. 19). The parties have stipulated to an award of \$6,000.00 in attorney's fees and no costs under 28 U.S.C. § 2412, the Equal Access to Justice Act ("EAJA"). (Id.). It is the opinion of the undersigned that the Plaintiff is entitled to a fee award in this case, as he is the prevailing party, the government's decision to deny benefits was not "substantially justified," and the parties have stipulated to the fee requested. See *Jackson v. Bowen*, 807 F.2d 127, 128 (8th Cir. 1986) (burden is on the Commissioner to show substantial justification for the government's denial of benefits); 28 U.S.C. § 2412(d)(2)(A) (statutory ceiling for an EAJA fee award is \$125.00 per hour); *Johnson v. Sullivan*, 919 F.2d 503, 505 (8th Cir. 1990) (court may determine that there has been an increase in the cost of living, and may thereby increase the attorney's rate per hour, based upon the United States Department of Labor's Consumer Price Index ("CPI")); *Hensley v. Eckerhart*, 461 U.S. 424, 430 (1983) (in determining reasonableness, court looks at time and labor required; the difficulty of questions involved; the skill required to handle the problems presented; the attorney's experience, ability, and reputation; the benefits resulting to the client from the services; the customary fee for similar services; the contingency or certainty of compensation; the results obtained; and, the amount involved); and General Order 39 (the Court's standing Order allowing for enhanced hourly rates based on the CPI-South for December of the previous year). Accordingly, the undersigned finds that the Plaintiff is entitled to an attorney's fee award under EAJA in the amount of \$6,000.00. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 596 (2010), the EAJA fee award should be made payable to Plaintiff; however, if the Plaintiff has executed a valid assignment to Plaintiff's attorney of all rights in a fee award and Plaintiff owes no outstanding debt to the federal government, the attorney's fee may be awarded directly to Plaintiff's attorney. The parties are reminded that, to prevent double recovery by counsel for the Plaintiff, the award herein under the EAJA will be considered at such time as a reasonable fee is determined pursuant to 42 U.S.C. § 406. Accordingly, the Plaintiff is awarded the stipulated amount of \$6,000.00 in attorney's fees and no costs pursuant to the EAJA, 28 U.S.C. § 2412. Dated this 28th day of May 2026. /s/ Mark E. Ford

HON. MARK E. FORD

UNITED STATES MAGISTRATE JUDGE