

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

Benita Villatoro v. Frank Bisignano, Commissioner, Social Security
Administration

Villatoro · No. 2:24-cv-02152-TLB-MEF · Decided December 17, 2025

SUMMARY

A magistrate judge recommends awarding Plaintiff Benita Villatoro \$9,127.40 in attorney fees under the Equal Access to Justice Act after finding that she prevailed, the government's denial of benefits was not substantially justified, and the requested rates and hours were reasonable. The recommendation directs that the award be payable to the plaintiff under *Astrue v. Ratliff* and notes the relationship between the EAJA award and any later fee award 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	December 17, 2025
DOCKET	2:24-cv-02152-TLB-MEF
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for attorney fees and costs under the Equal Access to Justice Act after prevailing in her Social Security benefits litigation. The magistrate judge issued a report and recommendation recommending that the motion be granted.
STANDARD OF REVIEW	For an Equal Access to Justice Act fee application, the Commissioner bears the burden of showing that the government's position was substantially justified, and the court evaluates the reasonableness of the hours and rates requested.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Benita Villatoro v. Frank Bisignano, Commissioner, Social Security Administration

TOPICS

attorney fees judicial review of agency action administrative law remedies civil procedure

PRACTICE AREAS

Social Security administrative law attorney fees federal civil procedure

QUESTIONS PRESENTED

1. Whether Villatoro was entitled to attorney fees under the Equal Access to Justice Act because she was the prevailing party and the government's position was not substantially justified.
2. Whether the requested attorney and paralegal hours and hourly rates were reasonable and supported an EAJA award of \$9,127.40.
3. Whether the EAJA award should be payable to Villatoro, subject to applicable procedures concerning any later fee award under 42 U.S.C. § 406.

HOLDINGS

1. The magistrate judge concluded that Villatoro was entitled to an EAJA fee award because she was the prevailing party and the government's decision to deny benefits was not substantially justified.
2. The magistrate judge concluded that the requested attorney and paralegal hours were reasonable and that the requested hourly rates did not exceed the applicable cost-of-living-adjusted limits.
3. The recommended EAJA fee award should be made payable to Villatoro, although it may, as a matter of practice, be mailed to her counsel.

FACTUAL BACKGROUND

Villatoro prevailed in litigation challenging the denial of Social Security benefits. She requested \$9,127.40 under the EAJA, based on attorney hours worked in 2024 and 2025 and paralegal hours, using hourly rates adjusted for increases in the cost of living. The Commissioner did not object to the requested award.

PROCEDURAL HISTORY

On December 12, 2025, Villatoro moved for \$9,127.40 in attorney fees and costs under 28 U.S.C. § 2412. The Commissioner filed a response stating that he had no objections. The magistrate judge recommended that the district court award Villatoro the requested amount, subject to the parties' fourteen-day period for objections under 28 U.S.C. § 636(b)(1).

DISPOSITION

other

CASES CITED

- Jackson v. Bowen, 807 F.2d 127, 128 (8th Cir. 1986)

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

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