

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Smbat Voskanyan v. Commissioner of Social Security

Voskanyan · No. 2:24-cv-01543-SCR · Decided January 6, 2026

SUMMARY

The United States District Court for the Eastern District of California grants Smbat Voskanyan’s motion for attorneys’ fees under the Equal Access to Justice Act after remanding his Social Security case for further proceedings. The court awards \$4,312.76, payable to the plaintiff subject to any federal debt offset, with possible payment in the attorney’s name if no qualifying debt exists.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sean C. Riordan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	January 6, 2026
DOCKET	2:24-cv-01543-SCR
DISPOSITION	other
PROCEDURAL POSTURE	Following a remand in Plaintiff's Social Security action, Plaintiff moved for attorneys' fees under the Equal Access to Justice Act. The Commissioner filed a statement of non-opposition.
STANDARD OF REVIEW	The Court assessed entitlement to EAJA fees under 28 U.S.C. § 2412(d), including whether Plaintiff was a prevailing party, whether the government's position was substantially justified, and whether the requested fee was reasonable.
PRECEDENTIAL VALUE	Unpublished district court order; limited persuasive value.
PARTIES	Smbat Voskanyan v. Commissioner of Social Security

TOPICS

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

PRACTICE AREAS

- Social Security
- administrative law
- attorney fees

QUESTIONS PRESENTED

1. Whether Plaintiff was entitled to attorneys' fees under the Equal Access to Justice Act after obtaining a remand in the Social Security action.
2. Whether the requested hours and cost-of-living-adjusted hourly rate were reasonable.
3. Whether an EAJA award should be made to Plaintiff rather than directly to his attorney.

HOLDINGS

1. A Social Security claimant who obtains a remand is a prevailing party for purposes of the EAJA, and where the Commissioner does not show that the government's position was substantially justified or identify another bar to recovery, the claimant is entitled to an award of fees.
2. The requested EAJA fee of \$4,312.76 was reasonable based on 34.25 hours of work at a 2024 cost-of-living-adjusted hourly rate of \$251.84, particularly because the Commissioner did not challenge the hours or rate.
3. The EAJA award must be made to Plaintiff, although payment may be made in the name of Plaintiff's attorney if the government determines that Plaintiff owes no qualifying federal debt subject to offset.

KEY QUOTATIONS

- “Because the Commissioner raises no objections, the Court GRANTS the Motion.”* (at 1)

“However, the EAJA award must be made by this Court to Plaintiff, and not to counsel.” (at 2)

FACTUAL BACKGROUND

Plaintiff obtained a remand after prevailing on summary judgment in his Social Security action. He requested EAJA fees for 34.25 hours of work at a 2024 adjusted hourly rate of \$251.84, but sought only 50 percent of the calculated total, or \$4,312.76. The Commissioner did not dispute Plaintiff's prevailing-party status, the timeliness of the application, the lack of substantial justification, the hours, or the requested rate.

PROCEDURAL HISTORY

Plaintiff commenced the Social Security action on June 1, 2024. On September 29, 2025, the Court granted Plaintiff's motion for summary judgment and remanded the matter for further proceedings. Plaintiff then timely moved for EAJA fees, and the Commissioner did not oppose the motion.

DISPOSITION

other

CASES CITED

- Flores v. Shalala, 49 F.3d 562, 569 (9th Cir. 1995)
- Commissioner, INS v. Jean, 496 U.S. 154, 163 (1990)
- Hensley v. Eckerhart, 461 U.S. 424, 437 (1983)

- Atkins v. Apfel, 154 F.3d 986, 988 (9th Cir. 1998)
- Sorenson v. Mink, 239 F.3d 1140, 1148-49 (9th Cir. 2001)
- Thangaraja v. Gonzales, 428 F.3d 870, 876-77 (9th Cir. 2005)
- Stewart v. Sullivan, 810 F. Supp. 1102, 1107 (D. Haw. 1993)
- Astrue v. Ratliffe, 560 U.S. 586, 589 (2010)

OPINION

Smbat Voskanyan v. Commissioner of Social Security

PER CURIAM.

1 2 3 4 5 6

7 UNITED STATES DISTRICT COURT

8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9

10 SMBAT VOSKANYAN, No. 2:24-cv-01543-SCR

11 Plaintiff, 12 v. ORDER

13 COMMISSIONER OF SOCIAL

SECURITY,

14 Defendant. 15

16 17 Plaintiff Smbat Voskanyan commenced this social security action on June 1, 2024. ECF

18 Nos. 1-2.1 On September 29, 2025, the Court granted Plaintiff's motion for summary judgment

19 and remanded the matter for further proceedings. ECF No. 20. Presently pending before the 20

Court is Plaintiff's Motion for attorneys' fees pursuant to the Equal Access to Justice Act 21

("EAJA"). ECF No. 22. The Commissioner filed a Statement of Non-Opposition. ECF No. 23. 22

After considering the briefing and applicable law, the court grants Plaintiff's Motion for EAJA 23

fees. 24 The EAJA provides, in part, that: 25 Except as otherwise specifically provided by statute,

a court shall award to a prevailing party other than the United States fees and other 26 27 1 This

case was referred to the undersigned pursuant to E.D. Cal. L.R. 302(c)(15) and the parties

voluntarily consented to proceed before a United States Magistrate Judge pursuant to 28 U.S.C. §

28 636(c). ECF No. 6. 1 expenses, in addition to any costs awarded pursuant to subsection (a),

incurred by that party in any civil action (other than cases sounding 2 in tort), including

proceedings for judicial review of agency action, brought by or against the United States in any

court having 3 jurisdiction of that action, unless the court finds that the position of the United

States was substantially justified or that special 4 circumstances make an award unjust. 5 A party

seeking an award of fees and other expenses shall, within thirty days of final judgment in the

action, submit to the court an 6 application for fees and other expenses which shows that the party

is a prevailing party and is eligible to receive an award under this 7 subsection, and the amount

sought, including an itemized statement from any attorney or expert witness representing or

appearing in 8 behalf of the party stating the actual time expended and the rate at which fees and

other expenses were computed. The party shall also 9 allege that the position of the United States was not substantially justified. Whether or not the position of the United States was 10 substantially justified shall be determined on the basis of the record (including the record with respect to the action or failure to act by the 11 agency upon which the civil action is based) which is made in the civil action for which fees and other expenses are sought. 12 The court, in its discretion may reduce the amount to be awarded 13 pursuant to this subsection, or deny an award, to the extent that the prevailing party during the course of the proceedings engaged in 14 conduct which unduly and unreasonably protracted the final resolution of the matter in controversy. 15 16 28 U.S.C. § 2412(d)(1)(A)-(C). 17 Here, the Commissioner does not dispute that Plaintiff is a prevailing party, because he 18 successfully obtained a remand. The Commissioner does not dispute that the application for 19 EAJA fees is timely, because it was filed within thirty days of final judgment in this action. Nor 20 does the Commissioner argue that Plaintiff is not entitled to an award of fees under the EAJA, 21 because the position of the Commissioner was substantially justified. See *Flores v. Shalala*, 49 22 F.3d 562, 569 (9th Cir. 1995) (holding that claimant is entitled to attorneys' fees unless the 23 government shows that its position "with respect to the issue on which the court based its remand 24 was 'substantially justified'"). Because the Commissioner raises no objections, the Court 25 GRANTS the Motion. 26 The EAJA directs the court to award a reasonable fee. 28 U.S.C. § 2412(d)(2)(A). In 27 determining whether a fee is reasonable, the court considers the reasonable hourly rate, the hours 28 expended, and the results obtained. See *Commissioner, INS v. Jean*, 496 U.S. 154, 163 (1990); 1 *Hensley v. Eckerhart*, 461 U.S. 424, 437 (1983); *Atkins v. Apfel*, 154 F.3d 986, 988 (9th Cir. 2 1998). Plaintiff requests an award for 34.25 hours of work, at the prevailing EAJA rates of 3 \$251.84 for 2024. ECF No. 22 at 1. This would result in an award of \$8,625.52, however 4 Plaintiff has chosen to seek only 50% of that award, an amount of \$4,312.76. *Id.* at 5. The 5 Commissioner does not object to the hours expended or the rate. In considering a reasonable rate 6 for attorneys' fees, an increase in the statutory rate of \$125 may be justified to account for 7 increases in the cost of living. See *Sorenson v. Mink*, 239 F.3d 1140, 1148 (9th Cir. 2001). The 8 cost of living adjustment to the statutory cap is computed by multiplying the statutory cap by the 9 consumer price index for urban consumers for the year in which the fees were earned, then 10 dividing by the consumer price index figure on the date that the cap was imposed by Congress.

11 *Id.* at 1148-49; see also *Thangaraja v. Gonzales*, 428 F.3d 870, 876-77 (9th Cir. 2005).² The 12 national, rather than local, change in cost of living should be applied to adjust the EAJA rate cap 13 because "if Congress had wanted to allow for cost of living adjustments in a particular region or 14 city, it could have done so in the statute." *Stewart v. Sullivan*, 810 F. Supp. 1102, 1107 (D. Haw. 15 1993). 16 The Commissioner does not oppose Plaintiff's requested rate or challenge the 17 reasonableness of the hours expended. Therefore, the Court will award Plaintiff EAJA attorneys' 18 fees in the amount requested of \$4,312.76. The Court notes counsel has attached an assignment 19 agreement with his client. ECF No. 22-1. However, the EAJA award

must be made by this Court 20 to Plaintiff, and not to counsel. See *Astrue v. Ratliffe*, 560 U.S. 586, 589 (2010). Nevertheless, if 21 the government determines that Plaintiff does not owe a federal debt that qualifies for offset, 22 payment may be made in the name of Plaintiff's attorney. 23 Accordingly, for the reasons outlined above, IT IS HEREBY ORDERED that: 24 1. Plaintiff's Motion for attorneys' fees under the EAJA (ECF No. 22) is GRANTED. 25 26 2 In accordance with the decision in *Thangaraja*, and Ninth Circuit Rule 39-1.6, the Ninth Circuit Court of Appeals maintains a list of the statutory maximum hourly rates authorized by the EAJA, 27 as adjusted annually. The rates may be found on the Court's website. See <http://www.ca9.uscourts.gov>. Here, Plaintiff's requested rates are within the statutory maximum 28 rate established by the Ninth Circuit.] 2. Plaintiff is awarded attorneys' fees in the total amount of \$4,312.76 pursuant to the 2 EAJA. If the government determines that Plaintiff does not owe a federal debt that 3 qualifies for offset, payment may be made in the name of Plaintiffs attorney. 4 IT IS SO ORDERED. 5 | DATED: January 5, 2026

7 UNITED STATES MAGISTRATE JUDGE

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