

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

OPINION

Smbat Voskanyan v. Commissioner of Social Security

PER CURIAM.

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7 UNITED STATES DISTRICT COURT

8 FOR THE EASTERN DISTRICT OF CALIFORNIA

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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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