

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Carolyn Lett Craig v. Commissioner of Social Security

Craig · No. 1:22-cv-00719-CDB (SS) · Decided March 10, 2023

SUMMARY

The United States District Court for the Eastern District of California granted the parties' stipulated request for attorney fees and costs under the Equal Access to Justice Act following a sentence-four remand in a Social Security case. The court awarded \$3,735.71 in EAJA attorney fees and \$402.00 for the filing fee, subject to any applicable Treasury Offset Program deductions.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 10, 2023
DOCKET	1:22-cv-00719-CDB (SS)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought attorney fees and costs after obtaining a stipulated sentence-four remand in a Social Security action.
STANDARD OF REVIEW	The court evaluated whether Plaintiff was the prevailing party under the EAJA, whether the government's position was substantially justified, whether special circumstances made an award unjust, and whether the requested hours and costs were reasonable.
PRECEDENTIAL VALUE	Nonprecedential district court order; precedential status not identified in the source.
PARTIES	Carolyn Lett Craig v. Commissioner of Social Security

TOPICS

attorney fees costs judicial review of agency action administrative law remedies

PRACTICE AREAS

Social Security administrative law attorney fees costs

QUESTIONS PRESENTED

1. Whether Plaintiff was a prevailing party entitled to attorney fees under the Equal Access to Justice Act after a sentence-four remand.
2. Whether the government's position was substantially justified or special circumstances made an EAJA fee award unjust.
3. Whether the requested attorney fees and \$402.00 filing fee were reasonable and recoverable as costs.

HOLDINGS

1. A party who obtains a sentence-four remand under 42 U.S.C. § 405(g) is a prevailing party eligible to seek EAJA fees.
2. The Court awarded EAJA attorney fees because Plaintiff prevailed, timely sought fees, the government did not establish that its position was substantially justified, and no special circumstances made an award unjust.
3. The requested \$3,735.71 in EAJA fees was reasonable and commensurate with the work required to review the voluminous administrative record and prepare the summary judgment motion.
4. The Court awarded Plaintiff the \$402.00 filing fee as a recoverable cost under 28 U.S.C. §§ 2412(a) and 1920.

KEY QUOTATIONS

“Under the EAJA, a court shall award attorney fees to the prevailing party unless it finds the government’s position was “substantially justified or that special circumstances make such an award unjust.”” (at 1)

“The Court finds this reasonable and commensurate with the number of hours an attorney reasonably would need to have spent reviewing the voluminous certified administrative record in this case (over 2300 pages) and preparing the type of summary judgment motion Plaintiff’s counsel prepared and filed (raising three disputed legal issues).” (at 2)

FACTUAL BACKGROUND

Plaintiff prevailed when the Court remanded her Social Security case under sentence four of 42 U.S.C. § 405(g) for further administrative proceedings. Her counsel represented that approximately 16 hours of attorney time were reasonably expended reviewing a certified administrative record exceeding 2,300 pages and preparing a summary judgment motion raising three disputed legal issues. Plaintiff requested \$3,735.71 in EAJA fees and reimbursement of a \$402.00 filing fee.

PROCEDURAL HISTORY

The Court granted the parties' stipulated motion for remand on January 9, 2023, remanding the action under sentence four of 42 U.S.C. § 405(g) to the Commissioner for further administrative proceedings, and judgment was entered that day. Plaintiff then moved, pursuant to the Equal Access to Justice Act, for \$3,735.71 in attorney fees and \$402.00 in costs. The Commissioner did not oppose the stipulated request.

DISPOSITION

other

REMAND INSTRUCTIONS

No new remand was ordered in this fee proceeding. The prior sentence-four remand to the Commissioner for further administrative proceedings remained in effect. The Commissioner was directed to pay the awarded fees and costs, subject to any Treasury Offset Program offset and the terms of the parties' stipulation.

CASES CITED

- *Shalala v. Schaefer*, 509 U.S. 292, 300-02 (1993)
- *Sanchez v. Berryhill*, No. 1:16-cv-01081-SKO, 2018 WL 509817, at *2 (E.D. Cal. Jan. 23, 2018)
- *Knyazhina v. Colvin*, No. 2:12-cv-2726 DAD, 2014 WL 5324302, at *1 (E.D. Cal. Oct. 17, 2014)
- *Thangaraja v. Gonzales*, 428 F.3d 870, 876-77 (9th Cir. 2005)
- *Armstrong v. Astrue*, No. CIV-S-07-1456-DAD, 2008 WL 2705023, at *2 (E.D. Cal. Jul. 9, 2008)
- *Astrue v. Ratliff*, 560 U.S. 586 (2010)