

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Kevin Carey v. Frank Bisignano

No. 2:24-cv-05609-SK, United States District Court for the Central District of California (December 22, 2025)

SUMMARY

The United States District Court for the Central District of California granted Plaintiff Kevin Carey's joint motion for attorney's fees under the Equal Access to Justice Act. The court awarded \$9,500.00, subject to the Treasury Offset Program and potentially payable to Plaintiff's counsel if the statutory conditions are satisfied.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Steve Kim
JURISDICTION	United States District Court for the Central District of California
DECIDED	December 22, 2025
DOCKET	2:24-cv-05609-SK
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a joint motion seeking attorney's fees under the Equal Access to Justice Act.
PRECEDENTIAL VALUE	Unknown; district court order with no reporter citation
PARTIES	Kevin Carey v. Frank Bisignano, Commissioner of Social Security

TOPICS

attorney fees administrative law remedies

PRACTICE AREAS

Social Security administrative law attorney fees

QUESTIONS PRESENTED

- Whether Plaintiff was entitled to an award of attorney's fees under the Equal Access to Justice Act.
- Whether the EAJA fees belonged to Plaintiff and were subject to offset under the Treasury Offset Program, with conditional payment to Plaintiff's counsel if the statutory conditions were satisfied.

HOLDINGS

1. The court granted Plaintiff's joint motion and awarded \$9,500.00 in attorney's fees under the Equal Access to Justice Act.
2. EAJA fees belong to Plaintiff and are subject to offset under the Treasury Offset Program. If Plaintiff assigned the right to the fees to counsel and does not owe an offset-eligible debt, the fees may be paid to Plaintiff's counsel; if Plaintiff owes such a debt, any remaining fees after offset are payable to Plaintiff.

KEY QUOTATIONS

“Under Astrue v. Ratliff, 130 S. Ct. 2521, 2528-29 (2010), EAJA fees belong to Plaintiff and are subject to offset under the Treasury Offset Program, 31 U.S.C. § 3716(c)(3)(B).” (1)

FACTUAL BACKGROUND

The opinion provides no substantive facts concerning the underlying Social Security dispute. It states that Plaintiff sought an award of attorney's fees under the Equal Access to Justice Act and that the parties filed a joint motion for that relief.

PROCEDURAL HISTORY

The court considered Plaintiff's joint motion for an EAJA fee award and granted it, awarding \$9,500.00 in attorney's fees. The order specified the ownership of the fees and the conditions governing payment to Plaintiff's counsel or Plaintiff after any Treasury Offset Program offset.

DISPOSITION

other

CASES CITED

- Astrue v. Ratliff, 130 S. Ct. 2521, 2528-29 (2010)

OPINION

1 UNITED STATES DISTRICT COURT 2 CENTRAL DISTRICT OF CALIFORNIA 3 4 KEVIN CAREY, Case No. 2:24-cv-05609-SK 5 Plaintiff, ORDER AWARDING EAJA FEES 6 vs. 7 8 FRANK BISIGNANO, Commissioner of Social Security, 9 10 Defendant. 11 12 13 WHEREAS The Plaintiff has filed a joint motion for seeking an award of 14 attorney’s fees pursuant to the Equal Access to Justice Act; it is hereby 15 ORDERED that the Plaintiff’s joint motion for attorney’s fees is GRANTED 16 17 and Plaintiff is awarded \$9,500.00 in attorney’s fees.

18 Under Astrue v. Ratliff, 130 S. Ct. 2521, 2528-29 (2010), EAJA fees belong 19 to Plaintiff and are subject to offset under the Treasury Offset Program, 31 U.S.C. § 20 21 3716(c)(3)(B). If, after receiving the Court’s EAJA fee order, the Commissioner 22 determines that Plaintiff has assigned the right to EAJA fees to counsel and Plaintiff 23 does not owe a debt that is subject to offset

under the Treasury Offset Program, then 24 25 EAJA fees may be made payable to Plaintiff's counsel, KONOSKI & PARTNERS, 26 P.C., by either electronic funds transfer or check.

If Plaintiff owes a debt under the 27 1 || Treasury Offset Program, any remaining EAJA fees after offset will be made by 2 || check payable to Plaintiff. 3: IT IS ORDERED this 22nd __ day of December, 2025. Steve Kim, U.S. Magistrate Judge 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 ORDER Page 2 [2:24-cv-05609-SK]