

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

G.R.A. v. Frank Bisignano

G.R.A. · No. 24-2282-DDC · Decided December 8, 2025

SUMMARY

The United States District Court for the District of Kansas grants plaintiff G.R.A.'s motion for attorney fees under the Equal Access to Justice Act following a sentence-four remand in a Social Security benefits case. The court awards \$3,900 in attorney fees and permits plaintiff to seek \$405 in costs by filing a bill of costs within 30 days. The order also addresses payment to the plaintiff, potential offsets for federal debts, and any future fee award under 42 U.S.C. § 406(b).

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	Daniel D. Crabtree
JURISDICTION	United States District Court for the District of Kansas
DECIDED	December 8, 2025
DOCKET	24-2282-DDC
DISPOSITION	granted
PROCEDURAL POSTURE	Plaintiff sought judicial review of an adverse Social Security benefits decision. After the court reversed the agency decision and remanded under sentence four of 42 U.S.C. § 405(g), plaintiff moved for attorney fees and costs under the Equal Access to Justice Act.
STANDARD OF REVIEW	The court evaluated entitlement to EAJA fees under 28 U.S.C. § 2412(d)(1)(A), including whether plaintiff was a prevailing party, whether the government's position was substantially justified, and whether special circumstances would make an award unjust. It also reviewed the requested hours and hourly rate for reasonableness.
PRECEDENTIAL VALUE	Unknown

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether plaintiff qualified as a prevailing party for purposes of an EAJA fee award after obtaining a sentence-four remand under 42 U.S.C. § 405(g).
2. Whether the government's position was substantially justified and whether any special circumstances made an EAJA fee award unjust.
3. Whether plaintiff's requested attorney fees of \$3,900 were reasonable in light of the hours worked and hourly rate.
4. Whether plaintiff could recover \$405 in costs under the EAJA by filing a bill of costs within 30 days.

HOLDINGS

1. A Social Security claimant who obtains a sentence-four remand order from a federal district court under 42 U.S.C. § 405(g) is a prevailing party for purposes of the EAJA.
2. Plaintiff satisfied the EAJA requirements concerning substantial justification and special circumstances because the Commissioner did not oppose the motion, did not carry the burden of showing substantial justification, and did not identify any circumstance making the award unjust.
3. The requested \$3,900 attorney-fee award was reasonable because counsel documented 17.7 hours, the calculated amount at the inflation-adjusted statutory rate was higher than the amount requested, and the requested amount was reasonably reduced.
4. An EAJA attorney-fee award is payable to the plaintiff as the litigant and may be offset against qualifying pre-existing debts owed by the plaintiff to the United States; if counsel later receives fees under 42 U.S.C. § 406(b), counsel must refund the smaller award to plaintiff.
5. Plaintiff may recover \$405 in EAJA costs by filing a bill of costs within 30 days of the order.

KEY QUOTATIONS

“For EAJA purposes, a claimant that secures a sentence-four remand order from a federal district court under 42 U.S.C. § 405(g) is deemed a prevailing party.” (at 1)

“The check for attorney fees should be made payable to plaintiff and mailed to plaintiff’s attorney’s address.” (at 4)

“Plaintiff may be awarded costs under the EAJA in the amount of \$405.00 by filing a bill of costs within 30 days of this Order.” (at 4)

FACTUAL BACKGROUND

Plaintiff G.R.A. brought an action challenging an adverse Social Security benefits decision. The court reversed the agency decision and remanded under sentence four of 42 U.S.C. § 405(g). Plaintiff's counsel documented 17.7 hours of work, calculated fees using an inflation-adjusted hourly rate of \$234.85, and requested a reduced attorney-fee award of \$3,900 plus \$405 in costs.

PROCEDURAL HISTORY

The Commissioner moved for remand, and the court previously reversed the agency's decision and remanded the case under sentence four of 42 U.S.C. § 405(g). Plaintiff then moved for EAJA attorney fees and costs. The Commissioner did not oppose the fee motion, and the parties stipulated to the requested fee award.

DISPOSITION

granted

CASES CITED

- Hackett v. Barnhart, 475 F.3d 1166, 1168, 1172 (10th Cir. 2007)
- Hwang v. O'Malley, No. 23-cv-124 DBP, 2024 WL 5041115, at *1 (D. Utah Dec. 9, 2024)
- Gallaway v. Astrue, 297 F. App'x 807, 809 (10th Cir. 2008)
- Hensley v. Eckerhart, 461 U.S. 424, 437 (1983)
- Roxanne C. v. Colvin, No. CV C23-233 GBW, 2025 WL 89295, at *3 (D.N.M. Jan. 14, 2025)
- Lori A. v. Kijakazi, No. 21-cv-00101-JCB, 2023 WL 2403677, at *4 (D. Utah Mar. 8, 2023)
- Hardister v. Kijakazi, No. 21-cv-50 DBP, 2022 WL 2304284, at *3 (D. Utah June 27, 2022)
- Astrue v. Ratliff, 560 U.S. 586 (2010)
- Weakley v. Bowen, 803 F.2d 575, 580 (10th Cir. 1986)
- Fruitt v. Astrue, 604 F.3d 1217, 1220–21 (10th Cir. 2010)