

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
MICHIGAN

Reginald V. v. Commissioner of Social Security

Reginald V. · No. 1:25-cv-00062 · Decided February 24, 2026

SUMMARY

This Report and Recommendation addresses a Social Security appeal under 42 U.S.C. § 405(g) and a motion for attorney fees under the Equal Access to Justice Act. The magistrate judge recommends awarding the plaintiff \$8,561.26, based on 32.37 attorney hours at \$244.37 per hour and 6.51 paralegal hours at \$100 per hour.

CASE DETAILS

COURT	United States District Court for the Western District of Michigan
WRITING FOR THE COURT	Maarten Vermaat
JURISDICTION	United States District Court for the Western District of Michigan
DECIDED	February 24, 2026
DOCKET	1:25-cv-00062
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for attorney fees under the Equal Access to Justice Act after the court reversed the Commissioner's decision and remanded the Social Security matter for further consideration. The magistrate judge issued a Report and Recommendation recommending that the motion be granted.
STANDARD OF REVIEW	The court evaluated EAJA eligibility and the reasonableness of the requested hourly rates and hours under the lodestar framework, considering whether the government's position lacked substantial justification and whether special circumstances warranted denying fees.
PRECEDENTIAL VALUE	Nonprecedential Report and Recommendation
PARTIES	Reginald V. 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

civil procedure

QUESTIONS PRESENTED

1. Whether Plaintiff satisfied the requirements for an award of attorney fees under the Equal Access to Justice Act.
2. Whether the requested inflation-adjusted attorney rate of \$244.37 per hour was justified.
3. Whether the requested paralegal rate of \$100 per hour was reasonable.
4. Whether the requested 32.37 attorney hours and 6.51 paralegal hours were reasonable and compensable.

HOLDINGS

1. Plaintiff was entitled to an EAJA fee award because he was the prevailing party, the government's position was without substantial justification, and no special circumstances warranted denial of fees.
2. The requested attorney rate of \$244.37 per hour was reasonable and justified by cost-of-living evidence and counsel's experience.
3. The requested paralegal rate of \$100 per hour was reasonable.
4. The requested 32.37 attorney hours and 6.51 paralegal hours were reasonable and compensable in this case.

KEY QUOTATIONS

“The EAJA specifies that “attorney’s fees shall not be awarded in excess of \$125 per hour unless the court determines that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys for the proceedings involved, justifies a higher fee.”” (PageID.1067)

““Plaintiffs must ‘produce satisfactory evidence—in addition to the attorney’s own affidavits—that the requested rates are in line with those prevailing in the community for similar services by lawyers of reasonably comparable skill, experience, and reputation.’”” (PageID.1067)

““Unlike other types of civil cases in which the amount of discovery alone often creates wide variability in litigation hours, the vast majority of social security appeals conform to a relatively narrow range of hours because they involve a largely settled area of law, require no discovery, and follow a precise briefing schedule[.]”” (PageID.1069)

FACTUAL BACKGROUND

Plaintiff prevailed in a Social Security appeal when the court reversed the Commissioner’s decision and remanded the matter for further consideration. Plaintiff’s counsel requested \$8,561.26 in EAJA fees, based on 32.37 attorney hours at \$244.37 per hour and 6.51 paralegal hours at \$100 per hour. Counsel supported the increased attorney rate with Consumer Price Index data and an affidavit describing more than twenty years of Social Security disability practice. The Commissioner did not oppose the fee request.

PROCEDURAL HISTORY

This Social Security appeal was filed under 42 U.S.C. § 405(g). On August 15, 2025, the court reversed the Commissioner's decision and remanded for further consideration. Plaintiff then moved for \$8,561.26 in EAJA fees on November 15, 2025. The Commissioner did not respond, and the magistrate judge recommended awarding the requested amount.

DISPOSITION

other

CASES CITED

- Caviness v. Comm'r of Soc. Sec., 681 F. App'x 453, 455 (6th Cir. 2017)
- Bryant v. Comm'r of Soc. Sec., 578 F.3d 443, 450 (6th Cir. 2009)
- Blum v. Stenson, 465 U.S. 886, 895 n.11 (1984)
- DeLong v. Comm'r of Soc. Sec., 748 F.3d 723, 725 (6th Cir. 2014)
- Johnson v. Comm'r of Soc. Sec., No. 1:14-CV-347, 2015 U.S. Dist. LEXIS 139119, at *4-7 (W.D. Mich. Sept. 21, 2015)
- Mogdis v. Comm'r of Soc. Sec., No. 1:18-CV-82, 2019 WL 3765587, at *3 (W.D. Mich. Aug. 9, 2019)
- Keller v. Comm'r of Soc. Sec., No. CV 18-10049, 2019 WL 3887967, at *2 (E.D. Mich. July 31, 2019), report and recommendation adopted, No. 18-10049, 2019 WL 3859883 (E.D. Mich. Aug. 16, 2019)
- Robinson v. Comm'r of Soc. Sec., No. 1:17-CV-440, 2019 WL 2107923, at *3 (W.D. Mich. Apr. 26, 2019), report and recommendation adopted, No. 1:17-CV-440, 2019 WL 2103467 (W.D. Mich. May 14, 2019)
- Minor v. Comm'r of Soc. Sec., 826 F.3d 878, 881 (6th Cir. 2016)
- Begley v. Secretary of Health & Human Servs., 966 F.2d 196, 200 (6th Cir. 1992)
- Jeter v. Comm'r of Soc. Sec., No. 1:18-CV-465, 2019 WL 1060968, at *2 (W.D. Mich. Feb. 5, 2019), report and recommendation adopted, No. 1:18-CV-465, 2019 WL 1057335 (W.D. Mich. Mar. 6, 2019)
- Flamboe v. Comm'r of Soc. Sec., 2013 WL 1914546, at *2 (W.D. Mich. Aug. 14, 2014)
- Fredericks v. Comm'r of Soc. Sec., No. 1:12-cv-1234, 2014 WL 4057794, at *2 (W.D. Mich. Aug. 14, 2014)
- Nichols v. Comm'r of Soc. Sec., No. 1:09-cv-1091, 2012 WL 1189764, at *2 (W.D. Mich. Mar. 19, 2012)
- Crim v. Comm'r of Soc. Sec., No. 1:11-cv-137, 2013 WL 1063476, at *4 (S.D. Ohio Mar. 14, 2013)
- Mathis v. Comm'r of Soc. Sec., No. 1:13-cv-256, 2014 WL 4187368 (W.D. Mich. Aug. 21, 2014)
- Flamboe v. Comm'r of Soc. Sec., 2016 WL 393567, at *2
- United States v. Walters, 638 F.2d 947 (6th Cir. 1981)
- Thomas v. Arn, 474 U.S. 140 (1985)