

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

Mark M. v. Commissioner of Social Security

Mark M. · No. 1:23-cv-1251-JJM · Decided April 8, 2026

SUMMARY

The court approved a stipulated award of \$6,384.17 in attorney’s fees under the Equal Access to Justice Act and \$405.00 in costs after remanding the plaintiff’s Social Security benefits claim for further proceedings. The fees are payable to plaintiff’s counsel if the plaintiff provides a valid assignment and the government does not apply the Anti-Assignment Act.

CASE DETAILS

COURT	United States District Court for the Western District of New York
WRITING FOR THE COURT	Jeremiah J. McCarthy
JURISDICTION	United States District Court for the Western District of New York
DECIDED	April 8, 2026
DOCKET	1:23-cv-1251-JJM
DISPOSITION	approved
PROCEDURAL POSTURE	After obtaining a remand in a Social Security benefits action, plaintiff moved for attorney's fees and costs under the Equal Access to Justice Act based on a stipulated amount.
STANDARD OF REVIEW	The court independently reviewed whether the stipulated EAJA fee amount was reasonable and whether the statutory prerequisites for an award were satisfied.
PRECEDENTIAL VALUE	unpublished district court decision
PARTIES	Mark M. v. Commissioner of Social Security

TOPICS

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

PRACTICE AREAS

- administrative law
- Social Security
- attorney fees
- costs
- civil procedure

QUESTIONS PRESENTED

1. Whether plaintiff was a prevailing party eligible for an EAJA award after obtaining a remand of the Social Security benefits action.
2. Whether the government's position was substantially justified or special circumstances made an EAJA award unjust.
3. Whether the stipulated attorney's fee amount and documented hours were reasonable.
4. Whether the EAJA fees could be paid to plaintiff's counsel pursuant to an assignment, subject to federal-debt offset and the Anti-Assignment Act.

HOLDINGS

1. A plaintiff who obtains a remand under the circumstances presented is a prevailing party for purposes of the EAJA.
2. A stipulation between the parties does not relieve the court of its obligation to determine whether an EAJA fee amount is reasonable.
3. An EAJA award was warranted because the government did not establish that its position was substantially justified and the court found no special circumstances making an award unjust.
4. The stipulated attorney's fee of \$6,384.17, reflecting an effective hourly rate of \$251.35 for 25.4 hours, was reasonable and could be approved.
5. The award was payable to plaintiff's counsel if counsel provided a valid assignment and the applicable federal-debt-offset and Anti-Assignment Act conditions were satisfied; otherwise, the award was payable to plaintiff but delivered to counsel.

KEY QUOTATIONS

“The fact that the parties have stipulated to an amount does not relieve this court of the obligation to determine whether that amount is reasonable.”

“Therefore, I find no reason to second guess the fee amount to which the parties have stipulated.”

FACTUAL BACKGROUND

Plaintiff challenged the Commissioner's denial of Social Security benefits and obtained a remand after the court granted judgment on the pleadings. Plaintiff then sought \$6,384.17 in EAJA attorney's fees and \$405.00 in costs. The stipulated fee represented an effective hourly rate of \$251.35 based on 25.4 hours of documented work.

PROCEDURAL HISTORY

Plaintiff commenced the action on December 4, 2023, challenging the Commissioner's denial of Social Security benefits. On March 30, 2026, the court granted plaintiff's motion for judgment on the pleadings and remanded the case to the Commissioner for further proceedings. After judgment was entered, plaintiff sought \$6,384.17 in attorney's fees and \$405.00 in costs under the EAJA. The court approved the stipulated award, subject to the assignment and federal-debt-offset conditions described in the order.

DISPOSITION

approved

CASES CITED

- Shalala v. Schaefer, 509 U.S. 292, 300-02 (1993)
- Pribek v. Secretary, Department of Health & Human Services, 717 F. Supp. 73, 75 (W.D.N.Y. 1989)
- Lockwood v. Colvin, 2016 WL 6902341, at *1 (D. Conn. 2016)
- Eames v. Bowen, 864 F.2d 251, 252 (2d Cir. 1988)
- Isaacs v. Astrue, 2009 WL 1748706, at *3 (W.D.N.Y. 2009)
- Astrue v. Ratliff, 560 U.S. 586, 594 (2010)
- Kerr for Kerr v. Commissioner of Social Security, 874 F.3d 926, 937 (6th Cir. 2017)

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