

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Tammy L. Garding v. Frank Bisignano, Commissioner of Social Security

Garding · No. 1:25-cv-00749-SCY · Decided January 15, 2026

SUMMARY

The United States District Court for the District of New Mexico granted the stipulated motion for attorney fees under the Equal Access to Justice Act. The court awarded Plaintiff Tammy L. Garding \$2,788.60 in fees and expenses and required any smaller fee award under 42 U.S.C. § 406(b) to be refunded to the plaintiff.

CASE DETAILS

COURT	United States District Court for the District of New Mexico
WRITING FOR THE COURT	Steven C. Yarbrough
JURISDICTION	United States District Court for the District of New Mexico
DECIDED	January 15, 2026
DOCKET	1:25-cv-00749-SCY
DISPOSITION	other
PROCEDURAL POSTURE	The court considered Plaintiff's stipulated motion for an award of attorney fees under the Equal Access to Justice Act after Plaintiff prevailed in the action.
PRECEDENTIAL VALUE	unpublished
PARTIES	Tammy L. Garding v. Frank Bisignano, Commissioner of Social Security

TOPICS

- attorney fees
- administrative law
- remedies
- civil procedure

PRACTICE AREAS

- Social Security
- administrative law
- attorney fees

QUESTIONS PRESENTED

1. Whether Plaintiff was entitled to an award of attorney fees and expenses under the Equal Access to Justice Act.
2. Whether any later award of attorney fees under 42 U.S.C. § 406(b) would require counsel to refund the smaller fee award to Plaintiff.

HOLDINGS

1. The stipulated motion for an award of attorney fees under the Equal Access to Justice Act should be granted, and Plaintiff is entitled to \$2,788.60 in attorney fees and expenses.
2. If Plaintiff's counsel is subsequently awarded fees under 42 U.S.C. § 406(b), counsel must refund the smaller award to Plaintiff.

FACTUAL BACKGROUND

Plaintiff was the prevailing party in an action against the Commissioner of Social Security. The parties submitted a stipulated motion requesting attorney fees and expenses under the Equal Access to Justice Act. The court awarded Plaintiff \$2,788.60.

PROCEDURAL HISTORY

Plaintiff moved for an award of attorney fees and expenses under the EAJA. The motion was stipulated to by the parties and granted by the district court.

DISPOSITION

other

CASES CITED

- Weakley v. Bowen, 803 F.2d 575, 580 (10th Cir. 1986)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO
TAMMY L. GARDING, Plaintiff, vs. Case No.: 1:25-cv-00749-SCY FRANK BISIGNANO,
Commissioner of Social Security, Defendant. ORDER Upon consideration of the Stipulated
Motion for Award of Attorney Fees Under the Equal Access to Justice Act, the Court finds the
Motion (Dkt. No. 12) should be GRANTED.

IT IS THEREFORE ORDERED that Plaintiff is awarded \$2,788.60 (two thousand seven hundred eighty-eight dollars and sixty cents) for attorney fees and expenses under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, as the prevailing party herein. If Plaintiffs counsel is subsequently awarded any fees pursuant to 42 U.S.C. §406(b), they must refund the smaller award to Plaintiff pursuant to Weakley v. Bowen, 803 F.2d 575, 580 (10th Cir.

1986). HONORABL EVEN C. YA GH U.S. Magistrate Judge SUBMITTED AND APPROVED BY: Electronically submitted 1/15/2026 Richard W. Pruett Special Assistant United States Attorney Attorney for Defendant Electronically approved 1/15/2026 Eric Bohnet Electronically approved 1/15/2026 Blake Duggar Attorneys for Plaintiff

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