

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MICHIGAN, NORTHERN DIVISION

Taylor S. v. Commissioner of Social Security

Taylor S. · No. 1:25-cv-10670 · Decided January 13, 2026

SUMMARY

The court denied without prejudice Plaintiff’s motion for attorney fees under the Equal Access to Justice Act because the motion did not allege that the government’s position was not substantially justified. The court granted Plaintiff fourteen days to file an amended motion containing the required allegation and allowed the government seven days to respond.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan, Northern Division
WRITING FOR THE COURT	Patricia T. Morris
JURISDICTION	United States District Court for the Eastern District of Michigan, Northern Division
DECIDED	January 13, 2026
DOCKET	1:25-cv-10670
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff's counsel moved for attorney fees under the Equal Access to Justice Act after the court remanded the Social Security case pursuant to sentence four of 42 U.S.C. § 405(g).
STANDARD OF REVIEW	The court independently reviews the fee application for compliance with the EAJA and determines the reasonableness and statutory eligibility of any requested fee award. Substantial justification is assessed on the record as a whole, including the underlying agency action and the government's litigation position.
PRECEDENTIAL VALUE	Unknown
PARTIES	Taylor S. v. Commissioner of Social Security

TOPICS

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

PRACTICE AREAS

Social Security

Administrative Law

Attorney Fees

Civil Procedure

QUESTIONS PRESENTED

1. Whether an EAJA fee application must allege that the government's position was not substantially justified.
2. Whether the omission of that allegation requires denial of the fee motion or may be cured by amendment.
3. Whether an unopposed EAJA fee motion may be granted without the court independently determining compliance with the statute and the reasonableness of the requested award.

HOLDINGS

1. An application for attorney fees under the EAJA must allege that the position of the United States was not substantially justified.
2. The omission is not necessarily fatal, but the motion must be properly amended to include the required allegation; otherwise, the fee motion will be denied.
3. The court has an independent obligation to determine the reasonableness and statutory sufficiency of an attorney-fee request, even when the motion is unopposed.

KEY QUOTATIONS

“The Court thus finds that (1) the “not substantially justified” allegation is a necessary requirement to Plaintiff’s motion and (2) the initial omission of that allegation is not fatal to the motion but must be properly amended to assert the requisite standard or the motion would be denied.” (II.C)

“Although the plaintiff must allege the government’s position was not substantially justified, the government bears the burden of demonstrating substantial justification.” (II.B)

“While the motion is unopposed, the Court “has an independent obligation to determine the reasonableness of the fee award requested.”” (II.C)

FACTUAL BACKGROUND

Plaintiff challenged the Social Security Administration's decision as unsupported by substantial evidence and sought summary judgment. The parties stipulated to a sentence-four remand for further proceedings, and the court entered final judgment in plaintiff's favor. Plaintiff's counsel sought attorney fees under the EAJA, but the motion omitted an allegation that the government's position was not substantially justified.

PROCEDURAL HISTORY

Plaintiff moved for summary judgment challenging the Administrative Law Judge's decision. The parties stipulated to a sentence-four remand, which the court granted on August 27, 2025, entering final judgment the same day. Plaintiff's counsel then moved for EAJA attorney fees; the court denied the motion without prejudice

because it did not allege that the government's position was not substantially justified, while allowing fourteen days to file an amended motion.

DISPOSITION

other

REMAND INSTRUCTIONS

The motion for attorney fees was denied without prejudice. Plaintiff was granted fourteen days from January 13, 2026, to file an amended motion containing all necessary requirements; the government was granted seven days thereafter to respond.

CASES CITED

- Scappino v. Comm'r of Soc. Sec. Admin., No. 12-cv-02694, 2015 WL 7756155, at *3 (N.D. Ohio Dec. 1, 2015)
- Ratliff v. Comm'r of Soc. Sec., 465 F. App'x 459, 460 (6th Cir. 2012)
- Marshall v. Comm'r, 444 F.3d 837, 840 (6th Cir. 2006)
- E.W. Grobbel Sons, Inc. v. Nat'l Labor Relations Bd., 176 F.3d 875, 878 (6th Cir. 1999)
- Fields v. Comm'r of Soc. Sec., No. 16-cv-14189, 2019 WL 1253472, at *5 n.2 (E.D. Mich. Jan. 4, 2019), report and recommendation adopted, 2019 WL 643188 (E.D. Mich. Feb. 15, 2019)
- Jones v. Schweiker, 565 F. Supp. 52, 55 (W.D. Mich. 1983)
- Pierce v. Underwood, 487 U.S. 552, 565 (1988)
- Amezola-Garcia v. Lynch, 835 F.3d 553, 555 (6th Cir. 2016)
- Delta Eng'g v. United States, 41 F.3d 259, 261 (6th Cir. 1994)
- United States v. Real Property Located at 2323 Charms Road, 946 F.2d 437, 440 (6th Cir. 1991)
- Dodson v. Saul, No. 20-040, 2021 WL 2809110, at *1 (M.D. Tenn. July 6, 2021)
- Scarborough v. Principi, 541 U.S. 401, 405-19 (2004)