

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

Brenda Yonker v. Frank Bisignano, Commissioner of Social Security

Yonker · No. 8:25CV343 · Decided December 18, 2025

SUMMARY

The United States District Court for the District of Nebraska granted Brenda Yonker’s petition for attorney’s fees under the Equal Access to Justice Act. The court awarded \$3,613.26, payable to Yonker and subject to any applicable offset before delivery to the Kappelman Law Firm.

CASE DETAILS

COURT	United States District Court for the District of Nebraska
WRITING FOR THE COURT	Robert F. Rossiter, Jr.
JURISDICTION	United States District Court for the District of Nebraska
DECIDED	December 18, 2025
DOCKET	8:25CV343
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff petitioned for attorney's fees under the Equal Access to Justice Act after the court reversed and remanded the Social Security Commissioner's decision and entered judgment in plaintiff's favor. The Commissioner did not oppose the fee request but addressed payment and possible offset.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown

TOPICS

- attorney fees
- administrative law
- remedies
- civil procedure

PRACTICE AREAS

- Social Security
- administrative law
- attorney's fees
- Equal Access to Justice Act

QUESTIONS PRESENTED

- Whether Yonker satisfied the requirements for an award of attorney's fees under the Equal Access to Justice Act.
- Whether Yonker's requested fee of \$3,613.26 was timely, reasonable, and adequately supported.

3. Whether the fee award should be made payable to Yonker and remain subject to any applicable offset before payment is delivered to her counsel.

HOLDINGS

1. Yonker was a prevailing party entitled to an EAJA fee award because she satisfied the statutory requirements and the Commissioner did not establish that the government's position was substantially justified or that special circumstances made an award unjust.
2. Yonker was awarded \$3,613.26 in attorney's fees, calculated using 14 hours of attorney work at \$258.09 per hour.
3. The fee award was payable to Yonker, not directly to counsel, and the payment was subject to any applicable offset; after offset review, payment was to be delivered to the Kappelman Law Firm for distribution.

KEY QUOTATIONS

"That statute authorizes the Court to award "fees and other expenses" to a prevailing party in any civil action "brought by or against the United States," unless the Court determines the government's position was "substantially justified or that special circumstances make an award unjust.""

"The Court finds Yonker is a prevailing party entitled to an EAJA fee award of \$3,613.26 to be paid by the Social Security Administration."

FACTUAL BACKGROUND

Yonker prevailed in her action against the Commissioner of Social Security after the court reversed and remanded the matter for further consideration. She sought \$3,613.26 in EAJA attorney's fees, representing 14 hours of work in 2025 by two attorneys at an hourly rate of \$258.09. The Commissioner did not contest the request or argue that the government's position was substantially justified, but requested that any award be paid by the Social Security Administration and remain subject to possible offset for debts owed to the United States.

PROCEDURAL HISTORY

The court reversed and remanded the case on October 7, 2025, for further consideration and entered judgment in Yonker's favor on the Commissioner's motion. Yonker then filed a petition for \$3,613.26 in EAJA attorney's fees. The court granted the petition and ordered the Social Security Administration to pay the award to Yonker, subject to any applicable offset, with payment delivered to the Kappelman Law Firm for distribution.

DISPOSITION

other

CASES CITED

- Johnson v. Sullivan, 919 F.2d 503, 504 (8th Cir. 1990)
- Astrue v. Ratliff, 560 U.S. 586, 589-90 (2010)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA
BRENDA YONKER, Plaintiff, 8:25CV343 v. ORDER FRANK BISIGNANO, Commissioner of Social Security, Defendant. This matter is before the Court on plaintiff Brenda Yonker's ("Yonker") Petition for Attorney's Fees (Filing No. 19) pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d).

That statute authorizes the Court to award "fees and other expenses" to a prevailing party in any civil action "brought by or against the United States," unless the Court determines the government's position was "substantially justified or that special circumstances make an award unjust." Id. § 2412(d)(1)(A). Yonker asks for \$3,613.26 in attorney fees. See id. § 2412(d)(1), (2).

That total consists of 14 hours of attorney work in 2025 by two attorneys at \$258.09 per hour. See 28 U.S.C. § 2412(d)(2)(A) (providing for a fee award in excess of \$125 per hour if warranted by an increase in the cost of living); see also *Johnson v. Sullivan*, 919 F.2d 503, 504 (8th Cir. 1990) (concluding that "the Consumer Price Index constitutes 'proper proof' of increased cost of living" and can justify an increased EAJA attorney fee award).

Yonker requests the award be made payable to her counsel of record, Wes Kappelman. Defendant Frank Bisignano, Commissioner of Social Security ("Commissioner"), does not object to Yonker's request for fees (Filing No. 20) or argue that his position in this case was substantially justified.

On that point, the Court notes it reversed and remanded this case on October 7, 2025, for further consideration (Filing No. 17) and entered judgment in Yonker's favor (Filing No. 18) on the Commissioner's motion (Filing No. 15).

The Commissioner asks the Court to enter an award "to be paid by the Social Security Administration." He notes, however, that such an award is payable to Yonker but may be subject to offset under *Astrue v. Ratliff*, 560 U.S. 586, 589-90 (2010). He further states that after this Court awards fees to Yonker, he "will verify whether [Yonker] owes a debt to the United States that is subject to offset" and if there is not debt, the fee can then be made payable to Yonker's attorney based on their fee agreement.

Having carefully reviewed the parties' submissions on this issue and the balance of the record in this case, the Court finds Yonker is a prevailing party entitled to an EAJA fee award of \$3,613.26 to be paid by the Social Security Administration.

The Court agrees with the parties that Yonker has satisfied the statutory requirements under the EAJA, see 28 U.S.C. § 2412(d)(1)(A), and her request for attorney fees is timely, reasonable, and adequately supported.

Accordingly, IT IS ORDERED: 1. Plaintiff Brenda Yonker's petition for attorney's fees (Filing No. 19) pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), is granted. 2. Yonker is awarded attorney fees in the amount of \$3,613.26. 3.

The Social Security Administration shall make the fee award payable to Yonker and deliver the payment less any applicable offset to the Kappelman Law Firm at its address of record for distribution. 4. A separate judgment will issue. Dated this 18th day of December 2025. BY THE COURT: Robert F. Rossiter, Jr. Chief United States District Judge