

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PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown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)

