

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
ILLINOIS, ROCK ISLAND DIVISION

Blanca L. v. Frank Bisignano, Commissioner of Social Security

Blanca L. v. Bisignano, No. 4:24-cv-04228-SLD-RLH (C.D. Ill. May 26, 2026) · No. 4:24-cv-04228-SLD-RLH
· Decided May 26, 2026

SUMMARY

The United States District Court for the Central District of Illinois grants Blanca L.'s motions for attorney fees under the Equal Access to Justice Act following reversal and remand of the Commissioner's decision denying disability benefits. The court approves the parties' agreed \$9,500 fee award, subject to offset for any qualifying federal debt, and directs payment to counsel if no offset applies.

CASE DETAILS

COURT	United States District Court for the Central District of Illinois, Rock Island Division
WRITING FOR THE COURT	Sara Darrow
JURISDICTION	United States District Court for the Central District of Illinois, Rock Island Division
DECIDED	May 26, 2026
DOCKET	4:24-cv-04228-SLD-RLH
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff and the Commissioner jointly moved for an award of attorney fees and expenses under the Equal Access to Justice Act after the court reversed the Commissioner's denial of benefits and remanded the matter for further proceedings.
STANDARD OF REVIEW	The court applied the Equal Access to Justice Act's statutory requirements for fee awards and reviewed the requested hours and rates for reasonableness.
PRECEDENTIAL VALUE	Unknown; district court order with no reporter citation
PARTIES	Blanca L. v. Frank Bisignano, Commissioner of Social Security

TOPICS

attorney fees

judicial review of agency action

administrative law

remedies

civil procedure

PRACTICE AREAS

administrative law

social security

attorney fees

civil procedure

QUESTIONS PRESENTED

1. Whether Blanca was a prevailing party entitled to fees under the EAJA after reversal and remand of the Commissioner's decision.
2. Whether the EAJA fee application was timely when filed before the judgment became unappealable.
3. Whether the Commissioner's position was substantially justified.
4. Whether the requested attorney and paralegal hours and hourly rates were reasonable.
5. Whether the \$9,500 requested award should be paid to Blanca's counsel subject to offset for any pre-existing federal debt.

HOLDINGS

1. A plaintiff who obtains a judgment reversing the Commissioner's decision and remanding the case for further proceedings is a prevailing party under the EAJA when the remand terminates the litigation with victory for the plaintiff.
2. In a Social Security case involving remand, the EAJA application period begins when the court's judgment is entered, the appeal period has expired, and the judgment is no longer appealable; an application filed before expiration of the appeal period is timely.
3. The Commissioner did not establish that the government's litigation position and pre-litigation conduct were substantially justified, and the plaintiff therefore satisfied the EAJA substantial-justification requirement.
4. The court may award reasonable EAJA fees based on appropriately documented hours multiplied by a reasonable hourly rate, including a cost-of-living-adjusted rate above the statutory \$125 cap when the claimant establishes the applicable inflation adjustment and prevailing market rate.
5. The \$9,500 EAJA award may be offset against any pre-existing debt Blanca owes the United States; if no qualifying debt exists, payment may be directed to her counsel pursuant to her assignment.

KEY QUOTATIONS

“Under the EAJA, a successful litigant against the federal government is entitled to recover her attorney’s reasonable fees if: (1) she is a “prevailing party”; (2) the government’s position was not “substantially justified”; (3) there exist no special circumstances that would make an award unjust; and (4) she filed a timely application with the district court.”

“For the Commissioner’s position to have been substantially justified, it must have had reasonable factual and legal bases and a reasonable connection between the facts and his legal theory.”

FACTUAL BACKGROUND

Blanca obtained a judgment reversing the Commissioner's denial of disability insurance benefits and supplemental security income and remanding the matter to the Social Security Administration. She and the Commissioner jointly requested \$9,500 in EAJA attorney fees and expenses. Her counsel documented 36.4 attorney hours and 7 paralegal hours and sought enhanced hourly rates based on cost-of-living increases.

PROCEDURAL HISTORY

Blanca sought judicial review of the Commissioner's final decision denying disability insurance benefits and supplemental security income. The court adopted the magistrate judge's recommendation, overruled the Commissioner's objection, reversed the administrative decision, and remanded for further proceedings. After judgment was entered, Blanca and the Commissioner jointly moved for EAJA fees, and Blanca filed a supplemental fee motion.

DISPOSITION

other

REMAND INSTRUCTIONS

The Commissioner shall direct payment of the \$9,500 award to Konoski & Partners, P.C. if the Commissioner verifies that Blanca does not owe a pre-existing debt to the United States subject to offset. If payment is mailed, the check must be payable to Blanca and mailed to counsel's address of record.

CASES CITED

- *Krecioch v. United States*, 316 F.3d 684, 687 (7th Cir. 2003)
- *Shalala v. Schaefer*, 509 U.S. 292, 301-02 (1993)
- *Tex. State Tchrs. Ass'n v. Garland Indep. Sch. Dist.*, 489 U.S. 782, 791-92 (1989)
- *Golembiewski v. Barnhart*, 382 F.3d 721, 724 (7th Cir. 2004)
- *Cunningham v. Barnhart*, 440 F.3d 862, 864 (7th Cir. 2006)
- *Marcus v. Shalala*, 17 F.3d 1033, 1036 (7th Cir. 1994)
- *Hensley v. Eckerhart*, 461 U.S. 424, 433, 437 (1983)
- *Sprinkle v. Colvin*, 777 F.3d 421, 423 (7th Cir. 2015)
- *Kinsey-McHenry v. Colvin*, No. 2:12-CV-332-PRC, 2014 WL 1643455, at *3 (N.D. Ind. Apr. 23, 2014)
- *Booker v. Colvin*, No. 09 C 1996, 2013 WL 2147544, at *6 (N.D. Ill. May 16, 2013)
- *Carnaghi v. Astrue*, No. 11 C 2718, 2012 WL 6186823, at *5 (N.D. Ill. Dec. 12, 2012)
- *Nicole M. P. v. Bisignano*, No. 4:25-cv-04051-SLD-RLH, 2025 WL 2965120, at *3 (C.D. Ill. Oct. 17, 2025)
- *Astrue v. Ratliff*, 560 U.S. 586, 593 (2010)
- *Mathews-Sheets v. Astrue*, 653 F.3d 560, 565-66 (7th Cir. 2011)

OPINION

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF ILLINOIS ROCK ISLAND
DIVISION BLANCA L.,)) Plaintiff,)) v.) Case No. 4:24-cv-04228-SLD-RLH) FRANK
BISIGNANO,)) Defendant.) ORDER Before the Court are Plaintiff Blanca L. and Defendant
Commissioner of Social Security Frank Bisignano’s (“the Commissioner”) Joint Motion to Award
Attorney Fees and Expenses, ECF No. 18, and Blanca’s supplemental motion for attorney fees,
ECF No. 20.

Both motions request that the Court award Blanca \$9,500.00 in fees under the Equal Access to
Justice Act (“EAJA”), 28 U.S.C. § 2412(d)(1), which provides that a court must award fees and
expenses to a prevailing party in any civil action brought by or against the United States. See Joint
Mot. 1; Suppl. Mot. 1.

For the reasons that follow, the motions are GRANTED. BACKGROUND Blanca filed this suit
seeking judicial review of the Commissioner’s final decision denying her application for disability
insurance benefits and supplemental security income in December 2024. Compl., ECF No. 1.

After briefing was completed, Magistrate Judge Ronald L. Hanna recommended that the Court
reverse the Commissioner’s decision and remand the matter to the Social Security Administration
for further proceedings. See generally R. & R., ECF No. 13.

The Commissioner objected, Obj., ECF No. 14, but the Court overruled the objection and adopted
Judge Hanna’s report and recommendation, see Jan. 30, 2026 Order, ECF No. 16. Judgment
reversing the Commissioner’s decision and remanding for further proceedings was entered January
30, 2026. Judgment, ECF No. 17.

The joint motion for fees was filed on March 19, 2026. Pursuant to Court order, see May 15, 2026
Text Order, Blanca filed the supplemental motion to provide additional necessary information.
DISCUSSION I. Attorney’s Fees Under the EAJA Under the EAJA, a successful litigant against
the federal government is entitled to recover her attorney’s reasonable fees if: (1) she is a
“prevailing party”; (2) the government’s position was not “substantially justified”; (3) there exist
no special circumstances that would make an award unjust; and (4) she filed a timely application
with the district court.

28 U.S.C. § 2412(d)(1); *Krecioch v. United States*, 316 F.3d 684, 687 (7th Cir. 2003). First, Blanca
is a “prevailing party” within the meaning of the EAJA by virtue of having had judgment entered
in her favor and her case remanded to the Commissioner for further review. See *Shalala v.*
Schaefer, 509 U.S. 292, 301 (1993) (finding that a remand “which terminates the litigation with
victory for the plaintiff” confers prevailing party status under the EAJA); *Tex. State Tchrs.*

Ass’n v. Garland Indep. Sch. Dist., 489 U.S. 782, 791–92 (1989) (deeming prevailing party status
appropriate when “the plaintiff has succeeded on ‘any significant issue in litigation which

achieve[d] some of the benefit the parties sought in bringing suit’” (alteration in original) (quoting *Nadeau v. Helgemoe*, 581 F.2d 275, 278–79 (1st Cir. 1978))).

The next question is whether Blanca’s request for attorney’s fees is timely. Section 2412(d)(1)(B) requires that a party seeking an award of fees submit to the court an application for fees and expenses within 30 days of final judgment in the action.

In Social Security cases involving a remand, the filing period for attorney’s fees does not begin until the judgment is entered by the court, the appeal period has run, and the judgment has thereby become unappealable and final. *Schaefer*, 509 U.S. at 302 (“An EAJA application may be filed until 30 days after a judgment becomes ‘not appealable’—i.e., 30 days after the time for appeal has ended.”).

The joint motion was filed before the time to appeal expired, see Fed. R. App. P. 4(a)(1)(B) (providing that either party has sixty days to appeal in a case involving the United States or a United States officer), so it was timely.

The next issue is whether the government’s position was “substantially justified.” EAJA fees may be awarded if either the Commissioner’s litigation position or his pre-litigation conduct lacked substantial justification. *Golembiewski v. Barnhart*, 382 F.3d 721, 724 (7th Cir. 2004).

For the Commissioner’s position to have been substantially justified, it must have had reasonable factual and legal bases and a reasonable connection between the facts and his legal theory. *Cunningham v. Barnhart*, 440 F.3d 862, 864 (7th Cir. 2006). Critically, the Commissioner has the burden of proving that his position was substantially justified. *Golembiewski*, 382 F.3d at 724 (citing *Marcus v. Shalala*, 17 F.3d 1033, 1036 (7th Cir.

1994)). Here, the Commissioner joins in the request for EAJA fees, so he cannot be said to have met his burden of establishing that both his litigation position and his pre-litigation conduct were substantially justified.

Finally, no special circumstances exist that would make an award of attorney’s fees unjust. Therefore, Blanca is entitled to recover reasonable attorney’s fees under the EAJA. II. Reasonableness of Blanca’s Attorney’s Fees It is a successful litigant’s burden to prove that the attorney’s fees he requests are reasonable. *Hensley v. Eckerhart*, 461 U.S. 424, 437 (1983).

Reasonable fees are calculated by multiplying the appropriate number of hours worked by a reasonable hourly rate. *Id.* at 433. The rate is calculated with reference to prevailing market rates and capped at \$125 per hour unless the court determines that “an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys for the proceedings involved,” warrants a higher hourly rate.

28 U.S.C. § 2412(d)(2)(A). The Seventh Circuit has set forth the following standard for EAJA claimants seeking a higher hourly rate: An EAJA claimant seeking a cost-of-living adjustment to the attorney fee rate.... may rely on a general and readily available measure of inflation such as the Consumer Price Index, as well as proof that the requested rate does not exceed the prevailing market rate in the community for similar services by lawyers of comparable skill and experience.

An affidavit from a single attorney testifying to the prevailing market rate in the community may suffice to meet that burden. *Sprinkle v. Colvin*, 777 F.3d 421, 423 (7th Cir. 2015). To determine the appropriate number of hours worked, the Court turns to Blanca's attorney's time sheet. See Time Sheet, Suppl. Mot. Ex. B, ECF No. 20-2 at 4–5. This shows that an attorney, Shiva Trigg, spent 36.4 hours on the case.

Id. Paralegals spent 7 hours on the case. *Id.* The Court finds that all 43.4 hours were appropriately billed. Cf. *Kinsey-McHenry v. Colvin*, Cause No. 2:12-CV-332-PRC, 2014 WL 1643455, at *3 (N.D. Ind. Apr. 23, 2014) (noting that courts within the Seventh Circuit have found 40 to 60 hours expended on a Social Security appeal reasonable). Blanca's counsel states that the attorney work should be compensated at the hourly rate of \$257.50 for work done before April 2025 and at the hourly rate of \$260.00 for work done in April 2025 or after.

See Konoski Decl. ¶¶ 11–14, ECF No. 20 at 3–7. To justify the requested attorney rate, he points to changes in the consumer price index ("CPI") for New York and New Jersey, which is where his law firm is located, between March 1996, when the \$125 per hour rate was set, and January and April 2025. *Id.* ¶¶ 10–12. It is not particularly clear why counsel chose January and April 2025 as comparisons when the attorney work in this case was completed in March, May, and November 2025.

See Time Sheet. But the Court will follow counsel's lead. To determine what rate above the statutory ceiling may be authorized, courts have looked to the ratio of the CPI at the time legal services were rendered to the CPI at the time the current statutory limit of \$125 was set.

The \$125 limit is multiplied by this ratio to determine the proportional change in rate. See, e.g., *Booker v. Colvin*, No. 09 C 1996, 2013 WL 2147544, at *6 (N.D. Ill. May 16, 2013); *Carnaghi v. Astrue*, No. 11 C 2718, 2012 WL 6186823, at *5 (N.D. Ill. Dec. 12, 2012).

The CPI for all urban consumers in New York, Newark, and Jersey City in March 1996 was 166.5, in January 2025 was 341.144, and in April 2025 was 344.047. See Price Index for All Urban Consumers (CPI-U) New York-Newark-Jersey City, NY-NJ-PA, U.S. Bureau of Labor Statistics, https://data.bls.gov/timeseries/CUURS12ASA0?amp%253bdata_tool=XGtable&output_view=d%253bata&include_graphs=true (change output to From: 1996, then click "GO") (last visited May 26, 2026).¹ For January 2025, the CPI had increased by a factor of approximately 2.05.

For April 2025, the CPI had increased by a factor of approximately 2.07. Accordingly, an increase in the statutory cap to \$256.25 is warranted for January 2025 and an increase in the statutory cap to \$258.75 is warranted for April 2025. Blanca's attorney cites to a survey report indicating that the "average hourly rate for all attorneys in the New York City regions was \$447" for the years 2017 and 2018 and states that, accordingly, "the requested hourly rate[s].... [are] an adequate fee based on market rates in the region." Konoski Decl. ¶ 13.

This is not the most convincing evidence as it is outdated and does not necessarily reflect the "market rate in the community for similar services by lawyers of 1 Blanca's counsel identifies the incorrect CPIs for the stated time periods. See Konoski Decl. ¶¶ 11–12.

The link he provided to the data he relied on does not work. It appears he may have been relying on the CPI for urban wage earners and clerical workers rather than for all urban consumers. See Consumer Price Index – New York-Newark- Jersey City, NY-NJ-PA (1982-84 = 100), U.S. Bureau of Labor Statistics, <https://www.bls.gov/regions/northeast/data/xg-tables/ro2xgcpiny.htm> (last visited May 26, 2026). comparable skill and experience." Sprinkle, 777 F.3d at 423.

But since the motion is undisputed, the Court accepts this as sufficient for this case. In the future, however, Blanca's counsel should heed Sprinkle's guidance more closely. Applying the \$256.25 rate to 21.8 hours of work completed after January 2025 but before April 2025, see Time Sheet, and the \$258.75 rate to 14.6 hours of work completed after April 2025, *id.*, Blanca would be entitled to a total of \$9,364.00 in attorney fees.

Blanca's counsel states that paralegal work should be compensated at a rate of \$120 per hour. See Konoski Decl. ¶ 14. "Fees for work done by paralegals can be awarded under the fee- shifting provision of the EAJA." Krecioch, 316 F.3d at 687. Blanca's counsel does not provide any support for the hourly rate sought, but courts within this circuit have found hourly rates for paralegals between \$100 and \$125 to be reasonable in EAJA cases.

See, e.g., *Nicole M. P. v. Bisignano*, No. 4:25-cv-04051-SLD-RLH, 2025 WL 2965120, at *3 (C.D. Ill. Oct. 17, 2025). Based on an hourly rate of \$120 and 7 hours of work, Blanca would be entitled to \$840 for paralegal work. Blanca would be entitled to a total of \$10,204 in fees under the EAJA under the above analysis. She has agreed with the Commissioner to only seek \$9,500 in EAJA fees.

That amount is reasonable as well. CONCLUSION Accordingly, the Joint Motion to Award Attorney Fees and Expenses, ECF No. 18, and supplemental motion for attorney fees, ECF No. 20, are GRANTED. Plaintiff Blanca L. is awarded \$9,500 in EAJA fees. This amount may be offset to satisfy any pre-existing debt that Blanca owes to the United States. See *Astrue v. Ratliff*, 560 U.S. 586, 593 (2010).

Blanca has assigned her right to EAJA fees to her attorney. See Fee Agreement, Suppl. Mot. Ex. A, ECF No. 20-2 at 1–3; Assignment, Suppl. Mot. Ex. B, ECF No. 20-2 at 6–7. Thus, if Defendant Commissioner of Social Security can verify that Blanca does not owe a pre-existing debt to the United States subject to offset, the Commissioner shall direct payment of the award to Konoski & Partners, P.C.

See *Mathews-Sheets v. Astrue*, 653 F.3d 560, 565–66 (7th Cir. 2011), overruled on other grounds by *Sprinkle*, 777 F.3d 421. If payment is mailed rather than electronically deposited, the Commissioner will instruct the U.S. Department of the Treasury that any check be made payable to Blanca and mailed to Konoski & Partners, P.C. at its address of record: 180 Tices Lane, Suite 204, Building A, East Brunswick, NJ 08816.

Entered this 26th day of May, 2026. s/ Sara Darrow SARA DARROW UNITED STATES DISTRICT JUDGE