

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

**J.N.C.M. v. Frank Bisignano, Commissioner of the Social Security Administration**

J.N.C.M. · No. 25-1065-DDC · Decided April 2, 2026

SUMMARY

The United States District Court for the District of Kansas awards J.N.C.M. \$4,100 in attorney fees under the Equal Access to Justice Act after reversing and remanding an adverse Social Security benefits decision under sentence four of 42 U.S.C. § 405(g). The court finds that plaintiff was a prevailing party, the government's position was not substantially justified, and no special circumstances made the award unjust.

CASE DETAILS

|                       |                                                                                                                                                                                                                    |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the District of Kansas                                                                                                                                                            |
| WRITING FOR THE COURT | Daniel D. Crabtree                                                                                                                                                                                                 |
| JURISDICTION          | United States District Court for the District of Kansas                                                                                                                                                            |
| DECIDED               | April 2, 2026                                                                                                                                                                                                      |
| DOCKET                | 25-1065-DDC                                                                                                                                                                                                        |
| DISPOSITION           | other                                                                                                                                                                                                              |
| PROCEDURAL POSTURE    | Plaintiff sought attorney fees under the Equal Access to Justice Act after the court reversed the Commissioner's adverse Social Security benefits decision and remanded under sentence four of 42 U.S.C. § 405(g). |
| PRECEDENTIAL VALUE    | Unknown                                                                                                                                                                                                            |

TOPICS

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

PRACTICE AREAS

Social Security   administrative law   attorney fees   civil procedure

QUESTIONS PRESENTED

1. Whether plaintiff was entitled to attorney fees under the Equal Access to Justice Act after obtaining a sentence-four remand.
2. Whether plaintiff's requested EAJA fee of \$4,100 was reasonable.
3. Whether the EAJA award should be payable to plaintiff rather than directly to plaintiff's counsel despite an assignment of fees.

#### **HOLDINGS**

1. A claimant who obtains a sentence-four remand from a federal district court under 42 U.S.C. § 405(g) is a prevailing party for purposes of the EAJA.
2. Plaintiff satisfied the EAJA requirements because the Commissioner did not oppose the motion, the court determined that the government's position was not substantially justified, and no special circumstances made an award unjust.
3. Plaintiff's requested EAJA fee of \$4,100 was reasonable and should be awarded.
4. The EAJA fee award is payable to plaintiff as the prevailing litigant, may be subject to offset for qualifying preexisting federal debts, and any later award under 42 U.S.C. § 406(b) may require counsel to refund the smaller award to plaintiff.

#### **KEY QUOTATIONS**

*“For EAJA purposes, a claimant that secures a sentence-four remand order from a federal district court under 42 U.S.C. § 405(g) is deemed a prevailing party.”*

*“With all three elements satisfied, the court concludes that it must award EAJA attorney fees.”*

*“The check for attorney fees should be made payable to plaintiff and mailed to plaintiff’s attorney’s address.”*

#### **FACTUAL BACKGROUND**

The Commissioner issued an adverse decision concerning plaintiff's Social Security benefits. The district court reversed that decision and remanded the matter for rehearing under sentence four of 42 U.S.C. § 405(g). Plaintiff requested \$4,100 in EAJA attorney fees, and the Commissioner did not oppose the request.

#### **PROCEDURAL HISTORY**

Plaintiff filed an action for judicial review of an adverse Social Security benefits decision. The court reversed the agency decision and remanded for rehearing under sentence four of 42 U.S.C. § 405(g). Plaintiff then moved for EAJA attorney fees, which the Commissioner did not oppose.

#### **DISPOSITION**

other

#### **CASES CITED**

- Hackett v. Barnhart, 475 F.3d 1166, 1168, 1172 (10th Cir. 2007)
- Hwang v. O'Malley, No. 23-cv-124 DBP, 2024 WL 5041115, at \*1 (D. Utah Dec. 9, 2024)
- Gallaway v. Astrue, 297 F. App'x 807, 809 (10th Cir. 2008)
- Winslow v. Astrue, 269 F. App'x 838, 839 & n.2 (10th Cir. 2008)
- Astrue v. Ratliff, 560 U.S. 586 (2010)
- Weakley v. Bowen, 803 F.2d 575, 580 (10th Cir. 1986)

---

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-district-of-kansas/2026/j-n-c-m-v-frank-bisignano-commissioner-of-the-social-n9qwjtkw>