

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
ARKANSAS, FORT SMITH DIVISION

Billy J. Jones v. Frank Bisignano, Commissioner, Social Security
Administration

Jones · No. 2:25-cv-02011-TLB-MEF · Decided March 24, 2026

SUMMARY

A magistrate judge recommends awarding Billy J. Jones \$6,920.55 in attorney’s fees under the Equal Access to Justice Act in his Social Security benefits action. The recommendation finds that Jones was the prevailing party, the government’s position was not substantially justified, and the requested hourly rates and time were reasonable.

CASE DETAILS

COURT	United States District Court for the Western District of Arkansas, Fort Smith Division
WRITING FOR THE COURT	Mark E. Ford
JURISDICTION	United States District Court for the Western District of Arkansas, Fort Smith Division
DECIDED	March 24, 2026
DOCKET	2:25-cv-02011-TLB-MEF
DISPOSITION	other
PROCEDURAL POSTURE	Magistrate judge's report and recommendation on Plaintiff's motion for attorney fees and costs under the Equal Access to Justice Act.
STANDARD OF REVIEW	For an EAJA fee application, the court determines whether the plaintiff is the prevailing party, whether the government's position was substantially justified, whether the requested hourly rate is within the statutory and cost-of-living-adjusted limit, and whether the hours claimed are reasonable. Any timely and specific objections to the report and recommendation trigger de novo review by the district court under 28 U.S.C. § 636(b)(1).
PRECEDENTIAL VALUE	Nonprecedential report and recommendation; no precedential designation appears in the document.

PARTIES

Billy J. Jones v. Frank Bisignano, Commissioner, Social Security Administration

TOPICS

attorney fees civil procedure administrative law remedies

PRACTICE AREAS

Social Security Administrative Law Attorney Fees

QUESTIONS PRESENTED

1. Whether Plaintiff satisfied the requirements for an attorney-fee award under the Equal Access to Justice Act.
2. Whether the requested hourly rates and hours were reasonable and permissible under the EAJA.
3. Whether the EAJA award should be payable to Plaintiff, subject to direct payment to counsel if a valid assignment exists and Plaintiff owes no federal debt.

HOLDINGS

1. The magistrate judge recommended finding that Plaintiff was entitled to an EAJA fee award because he was the prevailing party, the government's position was not substantially justified, and the requested fees were reasonable.
2. The magistrate judge recommended approving the requested \$245 and \$252 hourly rates and the claimed attorney hours because the rates did not exceed the applicable Consumer Price Index-adjusted ceiling and the time expended was reasonable.
3. Under *Astrue v. Ratliff*, the EAJA award should be made payable to Plaintiff, but it may be paid directly to Plaintiff's attorney if Plaintiff validly assigned the fee award and owes no outstanding federal debt.

KEY QUOTATIONS

"Accordingly, the undersigned RECOMMENDS awarding Plaintiff the sum of \$6,920.55 for attorney's fees pursuant to the EAJA, 28 U.S.C. § 2412."

FACTUAL BACKGROUND

Plaintiff sought \$6,920.55 in attorney fees and costs under the Equal Access to Justice Act, based on 1.35 attorney hours worked in 2024 at \$245 per hour and 26.15 hours worked in 2025 and 2026 at \$252 per hour. The government had denied Plaintiff's benefits, but the magistrate judge found that denial was not substantially justified. The Commissioner did not object to the requested award.

PROCEDURAL HISTORY

Plaintiff, the prevailing party in the underlying Social Security benefits litigation, moved for attorney fees and costs under the EAJA. The Commissioner filed a response stating that there were no objections. The magistrate

judge recommended that the district court award Plaintiff \$6,920.55 in attorney fees.

DISPOSITION

other

CASES CITED

- Jackson v. Bowen, 807 F.2d 127, 128 (8th Cir. 1986)
- Johnson v. Sullivan, 919 F.2d 503, 505 (8th Cir. 1990)
- Hensley v. Eckerhart, 461 U.S. 424, 430 (1983)
- Astrue v. Ratliff, 560 U.S. 586, 596 (2010)

OPINION

IN THE UNITED STATES DISTRICT COURT WESTERN DISTRICT OF ARKANSAS FORT SMITH DIVISION BILLY J. JONES PLAINTIFF v. CIVIL NO. 2:25-cv-02011-TLB-MEF FRANK BISIGNANO, Commissioner Social Security Administration DEFENDANT
MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION Pending now before this Court is Plaintiff’s Motion for Attorney Fees Under the Equal Access to Justice Act.

(ECF Nos. 18, 19). On March 16, 2026, Plaintiff filed a motion for attorney’s fees and costs under 28 U.S.C. § 2412, the Equal Access to Justice Act (“EAJA”), requesting \$6,920.55, representing a total of 1.35 attorney hours in 2024 at an hourly rate of \$245.00 and 26.15 hours in 2025 and 2026 at \$252.00 per hour. (ECF No. 18-1).

On March 18, 2026, the Commissioner filed a response voicing no objections. (ECF No. 22). I. Discussion It is the opinion of the undersigned that the Plaintiff is entitled to a fee award in this case, as he is the prevailing party, the government’s decision to deny benefits was not “substantially justified,” the hourly rate requested for attorney hours does not exceed the CPI for the years in question, and the time asserted to have been spent in the representation of the Plaintiff before the district court is reasonable.

See Jackson v. Bowen, 807 F.2d 127, 128 (8th Cir. 1986) (burden is on the Commissioner to show substantial justification for the government’s denial of benefits); 28 U.S.C. § 2412(d)(2)(A) (statutory ceiling for an EAJA fee award is \$125.00 per hour); Johnson v. Sullivan, 919 F.2d 503, 505 (8th Cir. 1990) (court may determine that there has been an increase in the cost of living, and may thereby increase the attorney’s rate per hour, based upon the United States Department of Labor’s Consumer Price Index (“CPI”)); Hensley v. Eckerhart, 461 U.S. 424, 430 (1983) (in determining reasonableness, court looks at time and labor required; the difficulty of questions involved; the skill required to handle the problems presented; the attorney’s experience, ability, and reputation; the benefits resulting to the client from the services; the customary fee for similar

services; the contingency or certainty of compensation; the results obtained; and, the amount involved); and General Order 39 (the Court's standing Order allowing for enhanced hourly rates based on the CPI-South for December of the previous year).

Accordingly, the undersigned finds that the Plaintiff is entitled to an attorney's fee award under EAJA in the amount of \$6,920.55. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 596 (2010), the EAJA fee award should be made payable to Plaintiff; however, if the Plaintiff has executed a valid assignment to Plaintiff's attorney of all rights in a fee award and Plaintiff owes no outstanding debt to the federal government, the attorney's fee may be awarded directly to Plaintiff's attorney.

The parties are reminded that, to prevent double recovery by counsel for the Plaintiff, the award herein under the EAJA will be considered at such time as a reasonable fee is determined pursuant to 42 U.S.C. § 406. II. Conclusion Accordingly, the undersigned RECOMMENDS awarding Plaintiff the sum of \$6,920.55 for attorney's fees pursuant to the EAJA, 28 U.S.C. § 2412.

The parties have fourteen (14) days from receipt of our report and recommendation in which to file written objections pursuant to 28 U.S.C. § 636(b)(1). The failure to file timely objections may result in waiver of the right to appeal questions of fact.

We remind the parties that objections must be both timely and specific to trigger de novo review by the district court. DATED this 24th day of March 2026. /s/ Mark E. Ford HON. MARK E. FORD UNITED STATES MAGISTRATE JUDGE