

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
ARKANSAS, HOT SPRINGS DIVISION

James D. Womble v. Frank Bisignano, Commissioner, Social Security
Administration

Civil No. 6:25-cv-06116-MEF · No. 6:25-cv-06116-MEF · Decided June 23, 2026

SUMMARY

The United States District Court for the Western District of Arkansas grants Plaintiff James D. Womble’s unopposed motion for attorney’s fees under the Equal Access to Justice Act. The court awards \$6,620.00 in fees and no costs, payable to the plaintiff subject to the conditions described in *Astrue v. Ratliff*, and notes that the award will be considered when any fee is later determined under 42 U.S.C. § 406.

CASE DETAILS

COURT	United States District Court for the Western District of Arkansas, Hot Springs Division
WRITING FOR THE COURT	Mark E. Ford
JURISDICTION	United States District Court for the Western District of Arkansas, Hot Springs Division
DECIDED	June 23, 2026
DOCKET	6:25-cv-06116-MEF
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved unopposed for attorney fees under the Equal Access to Justice Act after prevailing in the underlying Social Security benefits litigation.
STANDARD OF REVIEW	The court determined entitlement to EAJA fees by applying the prevailing-party and substantial-justification requirements and reviewed the stipulated fee amount for statutory and reasonable-fee compliance.
PRECEDENTIAL VALUE	unpublished
PARTIES	James D. Womble v. Frank Bisignano, Commissioner, Social Security Administration

TOPICS

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

PRACTICE AREAS

administrative law Social Security law attorney fees

QUESTIONS PRESENTED

1. Whether Plaintiff was entitled to attorney fees under the Equal Access to Justice Act.
2. Whether the stipulated EAJA fee award of \$6,620.00 was permissible and should be awarded to Plaintiff or, under specified conditions, directly to Plaintiff's attorney.

HOLDINGS

1. A prevailing plaintiff is entitled to an EAJA fee award when the government's position was not substantially justified and the requested award satisfies the statute's requirements; Plaintiff was entitled to fees in this case.
2. The court approved the stipulated EAJA attorney-fee award of \$6,620.00 and awarded no costs.
3. The EAJA award is payable to Plaintiff, but may be paid directly to Plaintiff's attorney if Plaintiff validly assigned the fee rights to counsel and owes no outstanding federal debt.

FACTUAL BACKGROUND

Plaintiff prevailed in litigation challenging the government's denial of Social Security benefits. The government did not establish that its position was substantially justified. The parties stipulated to an EAJA attorney-fee award of \$6,620.00 and requested no costs.

PROCEDURAL HISTORY

The Commissioner denied Plaintiff's Social Security benefits. Plaintiff prevailed in the underlying action, and the parties agreed that Plaintiff was entitled to \$6,620.00 in EAJA attorney fees and no costs. The court granted the unopposed motion and entered the stipulated fee award.

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

Womble

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF ARKANSAS

HOT SPRINGS DIVISION

JAMES D. WOMBLE PLAINTIFF

v. CIVIL NO. 6:25-cv-06116- MEF FRANK BISIGNANO, Commissioner Social Security
Administration DEFENDANT

MEMORANDUM OPINION AND ORDER

Pending now before this Court is Plaintiff's Unopposed Motion for Attorney Fees Under the Equal Access to Justice Act. (ECF No. 14). The parties have agreed to an award of \$6,620.00 in attorney's fees and no costs under 28 U.S.C. § 2412, the Equal Access to Justice Act ("EAJA"). (Id.). 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," and the parties have agreed to the fee requested. 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 \$6,620.00. 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. Accordingly, the Plaintiff is awarded the stipulated amount of \$6,620.00 in attorney's fees and no costs pursuant to the EAJA, 28 U.S.C. § 2412. Dated this 23rd day of June 2026. /s/ Mark E. Ford

HON. MARK E. FORD
UNITED STATES MAGISTRATE JUDGE

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