

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

Kari E. Trescott v. Commissioner, Social Security Administration

Trescott · No. 3:24-cv-01045-YY · Decided November 26, 2025

SUMMARY

The United States District Court for the District of Oregon granted Kari E. Trescott’s unopposed motion for attorney fees under 42 U.S.C. § 406(b) following a remand and subsequent award of Social Security benefits. The court awarded \$27,398.25, offset prior EAJA and administrative fee awards, and directed payment of \$11,385.98 to plaintiff’s attorney from withheld past-due benefits.

CASE DETAILS

COURT	United States District Court for the District of Oregon
WRITING FOR THE COURT	Youlee Yim You
JURISDICTION	United States District Court for the District of Oregon
DECIDED	November 26, 2025
DOCKET	3:24-cv-01045-YY
DISPOSITION	other
PROCEDURAL POSTURE	Post-remand motion by a successful Social Security claimant for attorney fees under 42 U.S.C. § 406(b).
STANDARD OF REVIEW	The court reviewed the requested fee award for reasonableness under the standards set forth in <i>Gisbrecht v. Barnhart</i> .
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown
PARTIES	Kari E. Trescott v. Commissioner, Social Security Administration

TOPICS

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

PRACTICE AREAS

- Social Security
- administrative law
- attorney fees
- disability benefits

QUESTIONS PRESENTED

1. Whether Plaintiff's requested attorney fee award under 42 U.S.C. § 406(b) was reasonable.

2. Whether the § 406(b) award should be offset by previously awarded EAJA and administrative fees and paid directly from withheld past-due benefits.

HOLDINGS

1. The requested \$27,398.25 attorney fee award was reasonable under the standards established in *Gisbrecht v. Barnhart* and was therefore granted.
2. The prior EAJA award of \$6,812.27 and administrative fees of \$9,200.00 were to be offset against the § 406(b) award, resulting in a direct payment of \$11,385.98, less applicable processing or user fees, from withheld past-due benefits.

KEY QUOTATIONS

“Plaintiff’s Motion for Attorney Fees Pursuant to 42 U.S.C. 406(b) is hereby GRANTED, and Plaintiff’s counsel is awarded \$27,398.25 in attorney’s fees under 42 U.S.C. § 406(b).”

FACTUAL BACKGROUND

Plaintiff prevailed in obtaining judicial remand of the Commissioner's decision denying disability benefits. Following remand, the Commissioner found Plaintiff entitled to benefits beginning in October 2020. Plaintiff's counsel sought \$27,398.25 in fees under 42 U.S.C. § 406(b), supported by the benefits award, fee agreement, and counsel's records of hours and services.

PROCEDURAL HISTORY

Plaintiff sought review of the Commissioner's denial of disability benefits. The court reversed the Commissioner's decision, remanded for further proceedings, and entered judgment on April 1, 2025. On remand, the Commissioner awarded Plaintiff benefits beginning in October 2020. Plaintiff then moved for attorney fees under 42 U.S.C. § 406(b); the Commissioner neither supported nor opposed the request.

DISPOSITION

other

CASES CITED

- *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON KARI E. TRESCOTT Case No. 3:24-cv-01045-YY Plaintiff, ORDER GRANTING PLAINTIFF’S UNOPPOSED MOTION FOR vs. ATTORNEY FEES PURSUANT TO 42 U.S.C. § 406(b) COMMISSIONER, Social Security Administration, Defendant. Plaintiff Kari E. Trescott brought this action seeking review of the Commissioner’s final decision denying her application for disability benefits under the Social Security Act.

The Court reversed the Commissioner's decision, remanded the case for further proceedings, and entered Judgment on April 1, 2025. Upon remand, the Commissioner found Plaintiff entitled to benefits beginning October 2020. Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b).

The Commissioner neither supports nor opposes counsel's request for attorney's fees. I have reviewed the record in this case, the motion, and the supporting materials, including the award of benefits, the fee agreement with counsel, and the recitation of counsel's hours and services. Applying the standards set by *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002), the Court finds that the requested fees are reasonable.

Plaintiff's Motion for Attorney Fees Pursuant to 42 U.S.C. 406(b) is hereby GRANTED, and Plaintiff's counsel is awarded \$27,398.25 in attorney's fees under 42 U.S.C. § 406(b). Previously, the Court awarded Plaintiff a total of \$6,812.27 under the Equal Access to Justice Act ("EAJA") and \$9,200.00 in administrative fees.

The Court will offset that award against the 42 U.S.C. § 406(b) award and order that, in accordance with agency policy, the Commissioner make a direct payment of \$11,385.98, less any applicable processing or user fees prescribed by statute, to Plaintiff's attorney, Katherine L. Eitenmiller, at WELLS, MANNING, EITENMILLER & TAYLOR, P.C. Payment is to be made from benefits the Social Security Administration has withheld from Plaintiff's past due benefits.

Any amount withheld after all administrative and court attorney fees are paid should be released to the claimant. IT IS SO ORDERED this 26th day of November 2025. /s/ Youlee Yim You YOULEE YIM YOU
United States Magistrate Judge Proposed Order submitted by: Katherine L. Eitenmiller WELLS, MANNING, EITENMILLER & TAYLOR, P.C.

474 Willamette Street Eugene, OR 97401 (541)686-1969 keitenmiller@wmetattorneys.com Of Attorneys for Plaintiff ORDER GRANTING ATTORNEY FEES PURSUANT TO 42 U.S.C. § 406(b)