

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
OKLAHOMA

Matthew Lawrence Horn v. Commissioner of the Social Security
Administration

Horn · No. CIV-23-091-JAR · Decided May 12, 2026

SUMMARY

The United States District Court for the Eastern District of Oklahoma granted counsel’s motion for attorney fees under 42 U.S.C. § 406(b) in a Social Security disability appeal. The court awarded \$10,822.25, directed payment from past-due benefits withheld for that purpose, and required counsel to refund the lesser of the EAJA fees or the § 406(b) award to the plaintiff’s estate.

CASE DETAILS

COURT	United States District Court for the Eastern District of Oklahoma
WRITING FOR THE COURT	Jason A. Robertson
JURISDICTION	United States District Court for the Eastern District of Oklahoma
DECIDED	May 12, 2026
DOCKET	CIV-23-091-JAR
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff's attorney moved under 42 U.S.C. § 406(b) for an award of fees following the court's prior remand of Plaintiff's Social Security benefits appeal and Plaintiff's subsequent award of benefits.
STANDARD OF REVIEW	The court reviewed the contingency-fee agreement, contemporaneous time and expense records, reasonableness and necessity of the work, the result obtained, and the timeliness of the request under the extraordinary-relief standard of Federal Rule of Civil Procedure 60(b) (6).
PRECEDENTIAL VALUE	unpublished
PARTIES	Matthew Lawrence Horn v. Commissioner of the Social Security Administration

TOPICS

attorney fees

administrative law

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civil procedure

PRACTICE AREAS

Social Security

administrative law

attorney fees

civil procedure

QUESTIONS PRESENTED

1. Whether counsel was entitled to an award of \$10,822.25 under 42 U.S.C. § 406(b) based on the contingency-fee agreement and the benefits obtained for Plaintiff.
2. Whether the requested fee was reasonable and within the statutory 25% limitation.
3. Whether the fee motion was timely under Federal Rule of Civil Procedure 60(b)(6).
4. Whether counsel was required to refund the smaller of the EAJA award and the § 406(b) award to Plaintiff's estate.

HOLDINGS

1. Counsel was entitled to an award of \$10,822.25 under § 406(b) because Plaintiff obtained past-due benefits, the fee did not exceed the 25% statutory cap or the contingency-fee agreement, and the requested fee was reasonable in light of the work performed and result obtained.
2. The motion was timely because it was filed within a reasonable time of the Commissioner's decision awarding benefits, and the delay did not warrant denying the fee request.
3. Counsel must refund to Plaintiff's estate the smaller of any EAJA fees already awarded and the § 406(b) fees awarded in the decision.

FACTUAL BACKGROUND

Counsel represented Plaintiff in an appeal from an adverse Social Security benefits decision and obtained a remand after filing an opening brief. On remand, Plaintiff was found disabled and received \$57,249.00 in past-due benefits, from which 25%, or \$14,312.25, was withheld for attorney fees. Counsel requested \$10,822.25 under § 406(b), had previously received or obtained an EAJA award of \$5,710.00, and filed the § 406(b) motion on October 9, 2025, after the September 3, 2025 Notice of Award.

PROCEDURAL HISTORY

Counsel appealed an adverse administrative decision denying Plaintiff benefits. The Commissioner filed an unopposed motion to remand, which the court granted. On remand, Plaintiff was found disabled and awarded past-due benefits. Counsel then sought \$10,822.25 under § 406(b), representing fees under a 25% contingency-fee agreement, while acknowledging a prior EAJA award of \$5,710.00. The court granted the motion and directed payment from withheld past-due benefits, subject to a refund of the smaller EAJA or § 406(b) amount to Plaintiff's estate.

DISPOSITION

other

CASES CITED

- *Gisbrecht v. Barnhart*, 535 U.S. 789, 807 (2002)
- *Wrenn v. Astrue*, 525 F.3d 931, 937-938 (10th Cir. 2008)
- *McGraw v. Barnhart*, 450 F.3d 493, 505 (10th Cir. 2006)
- *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986)

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