

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
NEW YORK

Ashley N. v. Commissioner of Social Security

Ashley N. · No. 6:23-CV-982 (DJS) · Decided February 9, 2026

SUMMARY

The United States District Court for the Northern District of New York granted Plaintiff’s counsel’s motion for attorney’s fees under 42 U.S.C. § 406(b) after the Social Security Administration awarded benefits following a remand. The court awarded \$25,832.75, payable from withheld past-due benefits, and directed counsel to remit to Plaintiff any fees previously received under the Equal Access to Justice Act.

CASE DETAILS

COURT	United States District Court for the Northern District of New York
WRITING FOR THE COURT	Daniel J. Stewart
JURISDICTION	United States District Court for the Northern District of New York
DECIDED	February 9, 2026
DOCKET	6:23-CV-982 (DJS)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for an award of attorney's fees under 42 U.S.C. § 406(b) after the court remanded the Social Security case by stipulation and the Administrative Law Judge subsequently issued a favorable benefits decision.
STANDARD OF REVIEW	The court independently reviews a contingent-fee arrangement under 42 U.S.C. § 406(b) to determine whether the requested fee is reasonable, while giving due deference to the parties' agreement.
PRECEDENTIAL VALUE	unpublished district court decision

TOPICS

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

PRACTICE AREAS

- Social Security
- attorney's fees
- administrative law

QUESTIONS PRESENTED

1. Whether counsel's requested attorney's fee award under 42 U.S.C. § 406(b) was reasonable.
2. Whether the requested award complied with the statutory 25 percent cap and avoided an unreasonable windfall.

HOLDINGS

1. A court may approve a contingent-fee request under § 406(b) when the fee does not exceed 25 percent of the claimant's past-due benefits and is reasonable in light of the circumstances, including delay, fraud or overreaching, and whether the award would constitute a windfall.

KEY QUOTATIONS

“This section “calls for court review of such arrangements as an independent check, to assure that they yield reasonable results in particular cases.””

“The court “must give due deference to the intent of the parties, but it ought not blindly approve every fee request made pursuant to a contingent agreement.””

““A] requested fee based on a contingent fee arrangement should be enforced unless the court finds it to be unreasonable.””

FACTUAL BACKGROUND

Plaintiff sought judicial review of the denial of disability benefits, and the case was remanded to the Social Security Administration by stipulation. On remand, the Administrative Law Judge issued a favorable decision awarding Plaintiff benefits. Counsel requested \$25,832.75 for 24.3 hours of federal-court work under a contingency agreement, and agreed to remit the previously awarded EAJA fees to Plaintiff.

PROCEDURAL HISTORY

Plaintiff filed an action seeking review of the Commissioner's denial of disability benefits. The court remanded the matter to the Social Security Administration pursuant to the parties' stipulation, and an EAJA fee award was previously entered. On remand, the Administrative Law Judge awarded Plaintiff benefits, after which Plaintiff's counsel moved for \$25,832.75 in fees under § 406(b). The court granted the motion and directed counsel to remit to Plaintiff the amount previously received under the EAJA.

DISPOSITION

other

CASES CITED

- *Gisbrecht v. Barnhart*, 535 U.S. 789, 807-08 (2002)
- *Wells v. Sullivan*, 907 F.2d 367, 370, 372 (2d Cir. 1990)
- *Fields v. Kijakazi*, 24 F.4th 845, 854-56 (2d Cir. 2022)

- Porter v. Comm'r of Soc. Sec., 2009 WL 2045688, at *3 (N.D.N.Y. July 10, 2009)
- Tammy K. v. Comm'r of Soc. Sec., 2019 WL 1567523, at *3 (N.D.N.Y. Apr. 11, 2019)
- Eric K. v. Berryhill, 2019 WL 1025791, at *3 (N.D.N.Y. Mar. 4, 2019)

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