

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
NEW YORK

Joline Underwood v. Frank Bisignano, Commissioner of Social
Security

Underwood · No. 5:23-CV-00961-MJK · Decided January 14, 2026

SUMMARY

The United States District Court for the Northern District of New York granted Peter Gorton’s motion for additional attorney’s fees under 42 U.S.C. § 406(b)(1) in the amount of \$14,473. The court found the fee reasonable and ordered counsel to refund \$11,219.86 previously received under the Equal Access to Justice Act.

CASE DETAILS

COURT	United States District Court for the Northern District of New York
JURISDICTION	United States District Court for the Northern District of New York
DECIDED	January 14, 2026
DOCKET	5:23-CV-00961-MJK
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff's amended motion for additional attorney's fees under 42 U.S.C. § 406(b)(1) following a fully favorable Social Security disability decision after multiple administrative hearings and judicial remands.
STANDARD OF REVIEW	Reasonableness review of the requested § 406(b) attorney's fee award, considering the factors identified in Fields v. Kijakazi.
PRECEDENTIAL VALUE	unpublished district court decision

TOPICS

- administrative law
- judicial review of agency action
- remedies

PRACTICE AREAS

- Social Security disability
- administrative law
- attorney's fees

QUESTIONS PRESENTED

1. Whether the requested attorney's fee award of \$14,473 under 42 U.S.C. § 406(b)(1) was reasonable.
2. Whether the fee award complied with the 25-percent limitation and the requirement to refund previously received EAJA fees.

HOLDINGS

1. The requested fee of \$14,473 was reasonable in light of the fully favorable result, counsel's lack of undue delay, extensive experience, efficient performance, the absence of client dissatisfaction, and the contingent nature of Social Security disability litigation.
2. The court approved the full \$14,473 fee because it did not exceed 25 percent of Underwood's \$57,829 in past-due benefits.
3. Counsel was ordered to refund Underwood the \$11,219.86 previously received under the Equal Access to Justice Act.

FACTUAL BACKGROUND

Underwood retained Peter Gorton in 2020 to represent her in Social Security disability proceedings. Counsel represented her through three administrative hearings and related federal-court appeals, ultimately obtaining a fully favorable decision and past-due benefits totaling \$57,829. The contingency-fee agreement provided for a fee of 25 percent of past-due benefits, subject to repayment of EAJA fees previously received.

PROCEDURAL HISTORY

Attorney Peter Gorton represented Underwood through three administrative hearings and related appeals. The matter was remanded by the court on December 7, 2021, and again on March 20, 2024; the third hearing resulted in a fully favorable decision and an award of past-due benefits. Counsel then moved for \$14,473 in attorney's fees under § 406(b)(1), subject to refunding \$11,219.86 previously received under the EAJA.

DISPOSITION

other

CASES CITED

- *Gisbrecht v. Barnhart*, 535 U.S. 789, 798 n.6 (2002)
- *Fields v. Kijakazi*, 24 F.4th 845, 853-56 (2d Cir. 2022)

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