

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

**Christopher C. Gonzales v. Commissioner of Social Security
Administration**

Gonzales · No. CV-21-08107-PCT-MTL · Decided February 27, 2026

SUMMARY

The United States District Court for the District of Arizona granted Plaintiff’s attorney’s petition for attorney fees under 42 U.S.C. § 406(b) in the amount of \$30,777.75 following a sentence-four remand and favorable Social Security disability determination. The court found the fee reasonable after excluding 5.5 hours of clerical work. Because counsel had also received an EAJA award of \$5,685.87, the court ordered counsel to refund that amount to the plaintiff after receiving the § 406(b) fee.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Michael T. Liburdi
JURISDICTION	United States District Court for the District of Arizona
DECIDED	February 27, 2026
DOCKET	CV-21-08107-PCT-MTL
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff's attorney petitioned the district court for attorney fees under 42 U.S.C. § 406(b)(1) after the court remanded the Social Security matter under sentence four of 42 U.S.C. § 405(g), the administrative proceedings resulted in an award of benefits, and the claimant's counsel had previously received an EAJA fee award.
STANDARD OF REVIEW	The court independently determines whether a requested § 406(b) fee is reasonable, giving primacy to the contingent-fee agreement while considering the character of the representation, the results achieved, substandard representation, delay, and whether the fee would constitute a windfall.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Christopher C. Gonzales v. Commissioner of Social Security Administration

TOPICS

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

PRACTICE AREAS

Social Security attorney fees administrative law civil procedure

QUESTIONS PRESENTED

1. Whether counsel's requested \$30,777.75 fee under 42 U.S.C. § 406(b)(1) was reasonable.
2. Whether the court could direct the Commissioner to subtract the previously awarded \$5,685.87 EAJA fee from the § 406(b) award and refund the balance to the claimant, rather than requiring counsel to make the refund.

HOLDINGS

1. A requested Social Security attorney fee may be awarded under § 406(b)(1) when it does not exceed 25 percent of past-due benefits and is reasonable in light of the contingent-fee agreement, the character of the representation, the results achieved, the absence of substandard representation or delay, and the absence of a windfall. The requested \$30,777.75 fee was reasonable and was granted.
2. Time spent by nonlawyers on purely clerical tasks is not compensable as legal services in a § 406(b) fee award and must be excluded from the reasonableness calculation.
3. When counsel receives fees under both the EAJA and § 406(b), counsel must refund the smaller fee directly to the claimant; the court may not direct the Commissioner to perform that refund by reducing the § 406(b) payment.

KEY QUOTATIONS

“A court can adjust downward if “the attorney provided substandard representation or delayed the case, or if the requested fee would result in a windfall.”” (at 2)

“But Gisbrecht directs the claimant’s attorney to refund the smaller fee; the Commissioner cannot do it for him.” (at 4)

FACTUAL BACKGROUND

The Commissioner denied Christopher Gonzales's request for Social Security benefits, but after a sentence-four remand the ALJ found him entitled to monthly disability benefits beginning in March 2019. The SSA withheld \$30,777.75, representing 25 percent of past-due benefits, for potential payment of attorney fees. Counsel documented 31.45 hours of work, including 5.5 hours of clerical work performed by nonlawyers, and had previously received \$5,685.87 under the EAJA.

PROCEDURAL HISTORY

The Commissioner initially denied Gonzales's claim for Social Security benefits. After briefing, the district court granted the parties' stipulation for sentence-four remand and entered judgment requiring further administrative

action. On remand, an ALJ found Gonzales entitled to disability benefits beginning in March 2019. The court had previously approved an EAJA fee award of \$5,685.87, and counsel then sought \$30,777.75 under § 406(b).

DISPOSITION

other

CASES CITED

- *Gisbrecht v. Barnhart*, 535 U.S. 789, 793, 796, 808 (2002)
- *Crawford v. Astrue*, 586 F.3d 1142, 1149, 1151 (9th Cir. 2009)
- *Maske v. Comm’r of Soc. Sec. Admin.*, No. CV-18-04891-PHX-DWL, 2026 WL 242858, at *1 (D. Ariz. Jan. 29, 2026)
- *Nadarajah v. Holder*, 569 F.3d 906, 921 (9th Cir. 2009)
- *Solomon v. Comm’r of Soc. Sec. Admin.*, No. CV-18-00306-PHX-DWL, 2021 WL 4355635, at *2 (D. Ariz. Sept. 24, 2021)
- *Neil v. Comm’r Soc. Sec. Admin.*, 495 Fed. App’x 845, 847 (9th Cir. 2013)
- *Norris v. Comm’r Soc. Sec. Admin.*, No. CV-21-08204-PCT-DJH, 2025 WL 3089008, at *2 (D. Ariz. Nov. 5, 2025)
- *Williams v. Comm’r of Soc. Sec. Admin.*, No. CV-20-00136-PHX-JAT, 2025 WL 1342821, at *2 (D. Ariz. 2025)

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