

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Eric B. v. Frank J. Bisignano

No. Civil Action No. 24-cv-2648-MJS, United States District Court for the District of Columbia (May 22, 2026)

SUMMARY

The United States District Court for the District of Columbia grants Plaintiff’s counsel’s motion for attorney’s fees under 42 U.S.C. § 406(b) following a favorable Social Security benefits decision on remand. The Court approves a total fee of \$25,000 but directs the Social Security Administration to disburse a net award of \$18,960.32 after accounting for the prior Equal Access to Justice Act fee award.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	Matthew J. Sharbaugh
JURISDICTION	United States District Court for the District of Columbia
DECIDED	May 22, 2026
DOCKET	Civil Action No. 24-cv-2648-MJS
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff's counsel moved for attorney's fees under 42 U.S.C. § 406(b) after a successful Social Security disability claim remand and award of past-due benefits.
STANDARD OF REVIEW	The court independently reviews a contingent-fee arrangement and the requested § 406(b) award for reasonableness, considering the particulars of the case and the quality of representation, delay, risk of loss, difficulty, and compensation relative to time spent.
PRECEDENTIAL VALUE	Published
PARTIES	Eric B. v. Frank J. Bisignano, Commissioner of Social Security

TOPICS

- administrative law
- judicial review of agency action
- remedies
- equitable relief

PRACTICE AREAS

- Social Security
- Administrative Law
- Attorney's Fees
- Disability Benefits

QUESTIONS PRESENTED

1. Whether Plaintiff's counsel's requested \$25,000 contingent fee was reasonable and within the statutory limit of 42 U.S.C. § 406(b)(1)(A).
2. Whether the prior EAJA fee award should be handled by requiring counsel to refund it to Plaintiff or by reducing the § 406(b) payment to a net award paid directly by SSA.

HOLDINGS

1. The Court approved Plaintiff's counsel's total requested fee of \$25,000 under 42 U.S.C. § 406(b) as reasonable because it was within the 25 percent statutory cap and was supported by the quality and efficiency of the representation, the favorable result, the absence of delay, the difficulty and risk of the case, and counsel's experience.
2. The Court authorized SSA to pay counsel only the net § 406(b) amount of \$18,960.32, thereby accounting for the prior \$6,039.68 EAJA award without requiring counsel to receive the full § 406(b) amount and separately refund the EAJA award to Plaintiff.

KEY QUOTATIONS

“In the Supreme Court’s words, Section 406(b) is designed to “control, not to displace, fee agreements between Social Security benefits claimants and their counsel.”” (at 2)

“In this way, the statute requires courts to review “such arrangements as an independent check, to assure that they yield reasonable results in particular cases.”” (at 2)

“And then on remand, Plaintiff received a favorable decision and was awarded past-due benefits spanning a nearly five-year period—at a value totaling more than \$140,000—reflecting an outcome that “is precisely the type of result plaintiffs seek and that a contingent-fee arrangement makes available to previously unsuccessful plaintiffs.”” (at 3)

“Fee awards may be made under both prescriptions, but the claimant’s attorney must refund to the claimant the amount of the smaller fee” (at 4)

FACTUAL BACKGROUND

Plaintiff Eric B. sustained a traumatic brain injury and applied for Social Security benefits in July 2021. After repeated unfavorable administrative rulings, counsel represented him in federal court, obtained a remand, and Plaintiff later received a fully favorable benefits decision with eligibility dating to September 2021 and past-due benefits exceeding \$140,000. SSA withheld \$35,106.73, representing 25 percent of the past-due benefits, and counsel sought a total § 406(b) fee of \$25,000, with the prior EAJA award accounted for through a net payment.

PROCEDURAL HISTORY

The Social Security Administration initially denied Plaintiff's benefits claim after multiple administrative hearings and appeals. Plaintiff sought federal-court review, moved for judgment of reversal, and the parties jointly agreed to remand for further proceedings. On remand, SSA issued a fully favorable decision awarding

benefits retroactive to September 2021. The Court previously awarded Plaintiff \$6,039.68 in EAJA fees, and counsel then sought a \$25,000 fee under § 406(b), reduced by the EAJA award to a net payment of \$18,960.32.

DISPOSITION

other

CASES CITED

- Culbertson v. Berryhill, 586 U.S. 53, 55 (2019)
- Gisbrecht v. Barnhart, 535 U.S. 789, 792, 793, 796, 807 (2002)
- Buljina v. Astrue, 828 F. Supp. 2d 109, 114-15 (D.D.C. 2011)
- Shaderock v. Colvin, 220 F. Supp. 3d 47, 49 (D.D.C. 2016)
- Byas v. O'Malley, 2024 WL 4520094, at *1 (D.S.C. Sept. 12, 2024)
- Jackson v. Commissioner of Social Security, 601 F.3d 1268, 1273 (11th Cir. 2010)
- Smith v. Colvin, 214 F. Supp. 3d 14, 19 (D.D.C. 2016)
- Karen O. v. Commissioner of Social Security, 731 F. Supp. 3d 926, 937 n.16 (S.D. Ohio 2024)
- Widmer v. Kijakazi, 668 F. Supp. 3d 446, 447-48 (E.D. Va. 2023)

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