

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

Patricia J., obo Floyd J. v. Commissioner of Social Security

Patricia J. · No. Civ. No. 6:19-cv-00244-AA · Decided April 9, 2026

SUMMARY

The United States District Court for the District of Oregon granted Plaintiff's motion for attorney fees under 42 U.S.C. § 406(b) following a remand and award of past-due Social Security benefits. The court approved the requested fee of \$30,504.00, representing 25% of past-due benefits, and directed that previously awarded EAJA fees of \$8,224.79 be deducted.

CASE DETAILS

COURT	United States District Court for the District of Oregon
WRITING FOR THE COURT	Ann Aiken
JURISDICTION	United States District Court for the District of Oregon
DECIDED	April 9, 2026
DOCKET	Civ. No. 6:19-cv-00244-AA
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under 42 U.S.C. § 406(b) for approval of attorney fees after obtaining a remand and a subsequent award of past-due Social Security benefits.
STANDARD OF REVIEW	The court independently evaluated whether the contingency-fee agreement complied with the 25-percent statutory cap and whether the requested fee was reasonable under the circumstances.
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Patricia J., obo Floyd J. v. Commissioner of Social Security

TOPICS

- attorney fees
- administrative law
- remedies
- civil procedure

PRACTICE AREAS

- Social Security law
- attorney fees
- administrative law

QUESTIONS PRESENTED

1. Whether the contingency-fee agreement complied with the 25-percent limit in 42 U.S.C. § 406(b)(1)(A).
2. Whether the requested \$30,504.00 attorney-fee award was reasonable under § 406(b), considering the character of the representation, the results achieved, delay attributable to counsel, and the possibility of an unwarranted windfall.

HOLDINGS

1. A Social Security attorney-fee agreement is enforceable under 42 U.S.C. § 406(b) only to the extent that the requested fee does not exceed 25 percent of the claimant's past-due benefits. The agreement and requested fee in this case satisfied that limit.
2. The requested \$30,504.00 fee was reasonable and did not constitute an unwarranted windfall, so the court approved the full requested amount subject to subtraction of the previously awarded EAJA fees.

KEY QUOTATIONS

“Courts must approve § 406(b) fee determinations by, first, determining whether a fee agreement has been executed and then testing it for reasonableness.” (Legal Standard)

“Plaintiff’s counsel is awarded fees under 42 U.S.C. § 406(b) in the amount of \$30,504.00.” (Conclusion)

FACTUAL BACKGROUND

Plaintiff's counsel represented plaintiff in a Social Security case that resulted in a court-ordered remand and, after further proceedings, an award of \$122,016.00 in past-due benefits. The parties' contingency-fee agreement provided for a fee of up to 25 percent of past-due benefits. Counsel sought \$30,504.00, which equals 25 percent of the benefits, less the \$8,224.79 previously awarded under the EAJA.

PROCEDURAL HISTORY

On March 31, 2021, the court reversed and remanded the Social Security case for further proceedings. On February 17, 2022, the court awarded plaintiff's counsel \$8,224.79 in attorney fees under the Equal Access to Justice Act. Following remand, plaintiff received \$122,016.00 in past-due benefits, and counsel sought \$30,504.00 under § 406(b), reduced by the prior EAJA award. The court granted the motion and directed payment of the balance after subtracting the EAJA fees and any applicable processing or user fees.

DISPOSITION

other

CASES CITED

- *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002)
- *Crawford v. Astrue*, 586 F.3d 1142, 1149, 1151-53 (9th Cir. 2009) (en banc)

OPINION

Jenkins

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PATRICIA J., obo FLOYD J.1, Plaintiff, Civ. No. 6:19-cv-00244-AA

v. OPINION & ORDER

COMMISSIONER OF

SOCIAL SECURITY,

Defendant. _____ AIKEN, District Judge: This case comes before the Court on Plaintiff's Motion for Attorney Fees. ECF No. 24. The Commissioner has not responded to the motion. For the reasons set forth below, the motion is GRANTED.

LEGAL STANDARD

Upon entering judgment in favor of a Social Security claimant who was represented by an attorney, a court "may determine and allow as part of its judgment a reasonable fee for such representation, not in excess of 25 percent of the total of the past-due benefits to which the claimant is entitled by reason of such judgment[.]" 42 U.S.C. § 406(b)(1)(A). Section 406(b) expressly requires any attorney's fee awarded 1 In the interest of privacy, this opinion uses only first name and the initial of the last name of the non-governmental party or parties in this case. As noted in the accompanying Order, Plaintiff Floyd J. has passed away and Patricia J., his next of kin, has been substituted as Plaintiff. under that section to be payable "out of, and not in addition to, the amount of such past due benefits." Id. In *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002), the Supreme Court clarified that § 406 "does not displace contingent-fee agreements as the primary means by which fees are set for successfully representing Social Security benefits claimants in court." Id. at 807. Courts must approve § 406(b) fee determinations by, first, determining whether a fee agreement has been executed and then testing it for reasonableness. *Crawford v. Astrue*, 586 F.3d 1142, 1149 (9th Cir. 2009) (en banc) (citing *Gisbrecht*, 535 U.S. at 808). "Agreements are unenforceable to the extent that they provide for fees exceeding 25 percent of the past-due benefits." *Gisbrecht*, 535 U.S. at 807. Even within the 25 percent boundary, however, "the attorney for the successful claimant must show that the fee sought is reasonable for the services rendered." Id.

DISCUSSION

On March 31, 2021, the Court reversed and remanded this case for further proceedings. ECF Nos. 16, 17. On February 17, 2022, the Court granted Plaintiff's application for fees pursuant to the Equal Access to Justice Act ("EAJA") and awarded \$8,224.79 in attorney fees. ECF No. 21. On remand, Plaintiff was awarded past-due benefits in the amount of \$122,016.00. Pl. Ex. A, at 2. ECF No. 24-1. Plaintiff seeks an award of \$30,504.00 in attorney fees under § 406(b) to be reduced by the previously awarded EAJA fees. I. Contingency Fee Agreement Under *Gisbrecht*, the Court's first duty when considering whether to approve a contingency fee agreement is to

determine whether it is within the statutory 25% cap. *Gisbrecht*, 535 U.S. at 807-08. The fee agreement between Plaintiff and Plaintiff's counsel contemplated a contingency fee award of up to 25% of past-due benefits. Pl. Ex. B. ECF No. 24-2. The fee sought by Plaintiff's counsel is 25% of the past-due benefits. II. Reasonableness Next, the Court must determine whether application of the fee agreement yields reasonable results under the circumstances. *Gisbrecht*, 535 U.S. at 807-08. In making this determination, the Court must recognize the "primacy of lawful attorney- client fee agreements." *Id.* at 793. However, although a contingency agreement should be given significant weight in fixing a fee, the Court can depart from it if it produces unreasonable results. *Id.* at 808. The burden rests with Plaintiff's counsel to establish the requested fee's reasonableness. *Id.* at 807. The Ninth Circuit has established four factors to guide the Court's inquiry into the reasonableness of a requested fee: (1) the character of the representation; (2) the results achieved; (3) any delay attributable to the attorney in seeking the fee; and (4) whether the benefits obtained were "not in proportion to the time spent on the case" and raise the possibility that the attorney would receive an unwarranted windfall. *Crawford*, 586 F.3d at 1151-53. In this case, all four factors weigh in favor of granting Plaintiff's motion. Counsel ably represented Plaintiff and achieved a favorable result—remand and an eventual award of benefits—in a reasonably expeditious manner. The Court concludes that the requested sum would not constitute a windfall based on the hours Plaintiff's counsel expended on the case. The Court will approve fees in the full requested amount.

CONCLUSION

For the reasons set forth above, the Plaintiff's motion for an award of attorney fees, ECF No. 24, is GRANTED. Plaintiff's counsel is awarded fees under 42 U.S.C. § 406(b) in the amount of \$30,504.00. The Court previously awarded Plaintiff \$8,224.79 in EAJA fees. When issuing the check for payment to Plaintiff's attorney, the Commissioner is directed to subtract this amount from the total award and send the balance of \$22,279.21, less any applicable processing or user fees prescribed by statute, to Plaintiff's attorney, using the information on file with the Agency. Any amount withheld after all administrative and court attorney fees are paid should be released to Plaintiff. It is so ORDERED and DATED this ____9_t_h____ day of April 2026. /s/Ann Aiken
ANN AIKEN

United States District Judge