

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Yueh v. Dudek

Yueh · No. 23-cv-00824-AMO · Decided August 6, 2025

SUMMARY

The United States District Court for the Northern District of California partially granted and partially denied counsel’s motion for attorney fees under Section 406(b) of the Social Security Act. Although the claimant recovered \$98,720.70 in past-due benefits after a stipulated remand, the court reduced the requested fee from \$17,480 to \$8,187.50 as reasonable in light of the 6.55 hours worked and the circumstances of the remand. Counsel was ordered to refund the previously awarded \$1,541 EAJA fee to the claimant.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Araceli Martinez-Olguin
JURISDICTION	United States District Court for the Northern District of California
DECIDED	August 6, 2025
DOCKET	23-cv-00824-AMO
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff's counsel moved under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), for attorney fees from the claimant's past-due benefits following a stipulated remand and favorable agency decision.
STANDARD OF REVIEW	The court independently reviews a section 406(b) fee request for reasonableness, looking first to the contingent-fee agreement and then considering the character of the representation, the results achieved, the time spent, any delay attributable to counsel, and whether the requested fee would constitute a windfall.
PRECEDENTIAL VALUE	Unknown; district court fee order with no reporter citation
PARTIES	Julienne Yueh v. Leland Dudek

TOPICS

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

PRACTICE AREAS

Social Security

administrative law

attorney fees

civil procedure

QUESTIONS PRESENTED

1. Whether counsel's requested \$17,480 fee under section 206(b) of the Social Security Act was reasonable.
2. Whether the section 406(b) fee award had to be offset by the \$1,541 EAJA award previously paid.
3. What amount of section 406(b) fees should be certified and what refund, if any, counsel owed to the claimant.

HOLDINGS

1. A contingent-fee agreement within the statutory 25 percent ceiling does not establish that the requested fee is reasonable; the court must independently assess the fee and may reduce it to prevent a windfall and maintain proportionality to the time spent and results achieved.
2. When an attorney receives fees under both section 406(b) and the EAJA for the same Social Security representation, the attorney must refund the smaller fee to the claimant, subject to the claimant receiving the full past-due-benefits amount.

KEY QUOTATIONS

“Section 406(b)(1) provides that a federal court that “renders a judgment favorable to a claimant . . . who was represented before the court by an attorney” may grant the attorney “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.”” (at 2)

*“The Supreme Court in *Gisbrecht* explained that Section 406(b) is meant “to control, not to displace, [contingency] fee agreements between Social Security benefits claimants and their counsel.”” (at 2)*

“the attorney bears the burden of showing that the fee sought is reasonable, and the court is responsible for serving as an “independent check” to ensure the reasonableness of the fee.” (at 2)

“The Court finds counsel has met her burden to demonstrate that the requested fees are reasonable but only to an extent.” (at 3)

“the Court finds that awarding approximately 8.29% of the total past due benefits awarded, for a total of \$8,187.50 at an effective hourly rate of \$1,250, is more in line with the fee awards approved in this district and in keeping with the goals of the Social Security Act.” (at 5)

“The Commissioner is directed to certify fees under 42 U.S.C. § 406(b) in the amount of \$8,187.50, payable to Katherine Siegfried. Counsel is ORDERED to refund the \$1,541.00 EAJA fee award to Plaintiff.” (at 6)

FACTUAL BACKGROUND

Yueh's disability-benefits application was denied initially, on reconsideration, after an administrative hearing, and by the Appeals Council. Following a stipulated remand in the federal action, the Commissioner granted the

application and awarded \$98,720.70 in past-due benefits. Yueh had agreed to a contingent fee of up to 25 percent of past-due benefits, and counsel sought \$17,480 for 6.55 hours of work.

PROCEDURAL HISTORY

Yueh sought judicial review under 42 U.S.C. § 405(g) after her application for disability benefits was denied at multiple administrative stages. The parties stipulated to a voluntary remand, after which the Commissioner awarded benefits. The court previously awarded \$1,541 in EAJA fees and then considered counsel's request for \$17,480 under section 406(b).

DISPOSITION

other

CASES CITED

- Russell v. Sullivan, 930 F.2d 1443, 1446 (9th Cir. 1991)
- Sorensen v. Mink, 239 F.3d 1140, 1149 (9th Cir. 2001)
- Gisbrecht v. Barnhart, 535 U.S. 789, 793, 796, 805, 807-08 (2002)
- Crawford v. Astrue, 586 F.3d 1142, 1149-51, 1153 (9th Cir. 2009) (en banc)
- Matos v. Saul, No. 19-cv-02505-TSH, 2021 WL 1405467, at *2 (N.D. Cal. Apr. 14, 2021)
- Khlopoff v. Saul, No. 18-cv-03149-TSH, 2020 WL 7043878, at *2 (N.D. Cal. Dec. 1, 2020)
- McCullough v. Berryhill, No. 16-cv-00625-BLF, 2018 WL 6002324, at *2 (N.D. Cal. Nov. 15, 2018)
- Harrell v. Berryhill, No. 16-cv-02428-TSH, 2018 WL 4616735, at *4 (N.D. Cal. Sept. 24, 2018)
- Lopez v. Colvin, No. 14-cv-03395-JSC, 2017 WL 168060, at *2 n.2 (N.D. Cal. Jan. 17, 2017)
- Palos v. Colvin, No. CV 15-04261-DTB, 2016 WL 5110243, at *2 (C.D. Cal. Sept. 20, 2016)
- Michelle H. v. Berryhill, No. 18-cv-2328-JLS (RNB), 2022 WL 1138146, at *4 (S.D. Apr. 18, 2022)
- Theresa Y. v. O'Malley, No. 21-cv-0814-AGS, 2025 WL 1265863, at *1-2 (S.D. Cal. May 1, 2025)
- Reddick v. Berryhill, No. 16-cv-29-BTM-BLM, 2019 WL 2330895, at *1-2 (S.D. Cal. May 30, 2019)
- Kazanjian v. Astrue, No. 09 civ. 3678 (BMC), 2011 WL 2847439, at *2 (E.D.N.Y. July 15, 2011)
- Moreno v. City of Sacramento, 534 F.3d 1106, 1112 (9th Cir. 2008)
- Costa v. Commissioner of Social Security Administration, 690 F.3d 1132, 1136 (9th Cir. 2012)
- Hearn v. Barnhart, 262 F. Supp. 2d 1033, 1037 (N.D. Cal. 2003)