

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, EASTERN DIVISION

Hilary C. v. Commissioner of the Social Security Administration

Hilary C. · No. 2:23-cv-01089 · Decided January 13, 2026

SUMMARY

The United States District Court for the Southern District of Ohio grants Plaintiff’s motion for attorney’s fees under 42 U.S.C. § 406(b)(1) in the amount of \$2,195.00 following a successful Social Security appeal and remand. The court finds the fee reasonable and orders counsel to refund the previously awarded \$898.40 in EAJA fees to Plaintiff.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Eastern Division
WRITING FOR THE COURT	Caroline H. Gentry
JURISDICTION	United States District Court for the Southern District of Ohio, Eastern Division
DECIDED	January 13, 2026
DOCKET	2:23-cv-01089
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for an award of attorney's fees under 42 U.S.C. § 406(b)(1) after obtaining a sentence-four remand, receiving past-due benefits, and previously receiving an EAJA fee award. The Commissioner did not oppose the requested fee.
STANDARD OF REVIEW	The Court independently reviewed the contingent-fee agreement and supporting evidence to determine whether the requested § 406(b)(1) fee was reasonable for the services rendered, subject to the statutory 25-percent ceiling and applicable Sixth Circuit guidance.
PRECEDENTIAL VALUE	Unknown; unpublished district court decision
PARTIES	Hilary C. v. Commissioner of the Social Security Administration

TOPICS

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

PRACTICE AREAS

Social Security

Administrative law

Attorney's fees

Federal civil procedure

QUESTIONS PRESENTED

1. Whether Plaintiff's counsel was entitled to an attorney's-fee award under 42 U.S.C. § 406(b)(1) after Plaintiff obtained past-due benefits following a sentence-four remand.
2. Whether the requested \$2,195.00 contingent fee was reasonable in light of the fee agreement, the work performed, the results achieved, the effective hourly rate, and the statutory 25-percent ceiling.
3. Whether counsel was required to refund the previously awarded EAJA fee to Plaintiff after receiving the § 406(b)(1) award.

HOLDINGS

1. A contingent-fee request under 42 U.S.C. § 406(b)(1) is not automatically reasonable merely because it falls within a 25-percent fee agreement; the court must independently review the agreement and determine whether the requested amount reasonably compensates counsel for federal-court work.
2. Plaintiff's counsel was entitled to \$2,195.00 in § 406(b)(1) attorney's fees because the requested amount was reasonable and represented only approximately 3.4 percent of Plaintiff's past-due benefits.
3. After receiving the § 406(b)(1) fee, counsel must refund the previously awarded EAJA fee of \$898.40 to Plaintiff to prevent a double recovery.

KEY QUOTATIONS

“Therefore, a request for a contingency fee award in the amount of 25% of past-due benefits “is not to be viewed as per se reasonable,” but instead shall be given “the weight ordinarily accorded a rebuttable presumption.”” (II)

“Thus, the rule in the Sixth Circuit is that “[a] hypothetical hourly rate that is less than twice the standard rate is per se reasonable, and a hypothetical hourly rate that is equal to or greater than twice the standard rate may well be reasonable.”” (II)

“Plaintiff’s counsel achieved excellent results in an economical fashion and there is no basis to reduce the attorney’s fees requested in this case.” (III)

FACTUAL BACKGROUND

Plaintiff obtained a sentence-four remand of the Commissioner's denial of Social Security benefits and subsequently received \$65,342.00 in past-due benefits. The Commissioner withheld \$7,200.00 for possible attorney's fees. Plaintiff's counsel documented 2.5 attorney hours and 4.0 paralegal hours and requested \$2,195.00 under a contingent-fee agreement that allowed a fee of up to 25 percent of past-due benefits. Counsel represented that the previously awarded \$898.40 EAJA fee would be refunded to Plaintiff.

PROCEDURAL HISTORY

The Court previously reversed the Administrative Law Judge's nondisability determination and remanded the case to the Commissioner under sentence four of 42 U.S.C. § 405(g). On remand, Plaintiff was awarded past-due benefits. The Court had previously awarded Plaintiff's counsel \$898.40 under the Equal Access to Justice Act. Plaintiff then sought \$2,195.00 in fees under § 406(b)(1), and the Court granted the motion, directing counsel to refund the EAJA award to Plaintiff and directing the Commissioner to release any remaining withheld funds.

DISPOSITION

other

CASES CITED

- Horenstein v. Secretary of HHS, 35 F.3d 261, 262 (6th Cir. 1994) (en banc)
- Gisbrecht v. Barnhart, 535 U.S. 789, 800, 807-08 (2002)
- Rodriquez v. Brown, 865 F.2d 739, 746-47 (6th Cir. 1989)
- Hayes v. Secretary of HHS, 923 F.2d 418, 422 (6th Cir. 1990)
- Joseph J. Royzer v. Secretary of Health and Human Services, Royzer v. Secretary of HHS, 900 F.2d 981, 981-82 (6th Cir. 1990)
- Tucker v. Comm'r of Soc. Sec., 136 F.4th 639, 644-45, 648 (6th Cir. 2025)
- Jankovich v. Bowen, 868 F.2d 867, 871 n.1 (6th Cir. 1989)
- Twyla D. v. Comm'r of Soc. Sec., No. 3:19-cv-368, 2025 U.S. Dist. LEXIS 40825, at *4 (S.D. Ohio Mar. 6, 2025)
- Jay V.N.I. v. Comm'r of Soc. Sec., No. 3:20-cv-365, 2024 U.S. Dist. LEXIS 98031, at *4 (S.D. Ohio June 3, 2024)
- Martha G. v. Comm'r of Soc. Sec., No. 1:19-cv-936, 2023 U.S. Dist. LEXIS 63838, at *6-7 (S.D. Ohio Apr. 11, 2023), report and recommendation adopted by 2023 U.S. Dist. LEXIS 77738 (S.D. Ohio May 3, 2023)

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