

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Lisa S. v. Frank J. Bisignano, Commissioner of Social Security

Lisa S. v. Bisignano, No. 3:22-cv-01644-VET (S.D. Cal. Jan. 29, 2026) · No. 3:22-cv-01644-VET · Decided
January 29, 2026

SUMMARY

The United States District Court for the Southern District of California granted counsel’s motion for attorney’s fees under 42 U.S.C. § 406(b) after remand of a Social Security disability benefits case resulted in a favorable agency decision and an award of past-due benefits. The court awarded \$11,500 in Section 406(b) fees and ordered counsel’s firm to reimburse the plaintiff \$1,500 previously awarded under the Equal Access to Justice Act.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Valerie E. Torres
JURISDICTION	United States District Court for the Southern District of California
DECIDED	January 29, 2026
DOCKET	3:22-cv-01644-VET
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff's counsel moved under 42 U.S.C. § 406(b) for approval of attorney fees following a sentence-four remand and favorable agency decision. The Commissioner neither supported nor opposed the requested fee but requested an order requiring reimbursement of the previously awarded EAJA fees.
STANDARD OF REVIEW	Reasonableness review of a contingent-fee agreement under 42 U.S.C. § 406(b), considering the character of the representation, the results achieved, substandard performance, delay, and whether the requested fee is disproportionate to the time spent.
PRECEDENTIAL VALUE	Unpublished district court order; generally nonprecedential.
PARTIES	Lisa S. v. Frank J. Bisignano, Commissioner of Social Security

TOPICS

judicial review of agency action

administrative law

remedies

PRACTICE AREAS

Social Security

administrative law

attorney fees

QUESTIONS PRESENTED

1. Whether the requested \$11,500 attorney-fee award was reasonable under 42 U.S.C. § 406(b).
2. Whether counsel was required to refund the \$1,500 EAJA fee award to Plaintiff upon receiving a § 406(b) fee award.

HOLDINGS

1. The requested \$11,500 fee was reasonable and should be awarded under 42 U.S.C. § 406(b).
2. Counsel may not retain attorney fees awarded under both EAJA and § 406(b); the firm must reimburse Plaintiff the smaller \$1,500 EAJA award.

KEY QUOTATIONS

“Whenever a court renders a judgment favorable to a claimant . . . , who was represented before the court by an attorney, the 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.” (at 2)

“Fee determinations begin by “looking first to the contingent-fee agreement, then testing it for reasonableness.”” (at 2-3)

“Within the 25 percent boundary . . . , the attorney for the successful claimant must show that the fee sought is reasonable for the services rendered.” (at 3)

“Counsel may not keep attorney’s fees awarded under both EAJA and Section 406(b).” (at 6)

FACTUAL BACKGROUND

Plaintiff retained counsel under a fee agreement providing for 25% of past-due benefits awarded after reversal of an unfavorable administrative decision. After the action was remanded under sentence four of 42 U.S.C. § 405(g), the Commissioner found Plaintiff disabled as of October 20, 2014 and awarded \$90,471 in past-due benefits, withholding \$22,617.75 for attorney fees. Counsel sought \$11,500 under § 406(b), based on 7.5 hours of attorney and paralegal work, and agreed that the firm would refund the \$1,500 previously awarded under EAJA.

PROCEDURAL HISTORY

Plaintiff filed an action seeking review of the Commissioner's denial of disability insurance benefits. The parties jointly requested a sentence-four remand, which the court granted on March 13, 2023, ordering judgment in Plaintiff's favor. The court later awarded \$1,500 in EAJA fees. On remand, the Commissioner found Plaintiff

disabled and awarded \$90,471 in past-due benefits, withholding \$22,617.75 for attorney fees. Counsel then sought \$11,500 under § 406(b) and agreed to reimburse Plaintiff the \$1,500 EAJA award.

DISPOSITION

other

CASES CITED

- Russell v. Sullivan, 930 F.2d 1443, 1446 (9th Cir. 1991)
- Gisbrecht v. Barnhart, 535 U.S. 789, 796, 807-808 (2002)
- Parrish v. Commissioner of Social Security Administration, 698 F.3d 1215, 1218 (9th Cir. 2012)
- Crawford v. Astrue, 586 F.3d 1142, 1149, 1151 (9th Cir. 2009)
- Luzette B. v. King, No. 23cv483-MSB, 2025 U.S. Dist. LEXIS 19011, at *7 (S.D. Cal. Feb. 3, 2025)
- Habibullah A. v. Colvin, No. 20cv1971-AGS, 2025 U.S. Dist. LEXIS 14261, at *3 (S.D. Cal. Jan. 27, 2025)
- Watkins v. O'Malley, No. 21cv101-BLM, 2024 U.S. Dist. LEXIS 93524, at *6-8 (S.D. Cal. May 24, 2024)
- Roland S. v. Kijakazi, No. 20cv01068-AHG, 2023 U.S. Dist. LEXIS 189176, at *9 (S.D. Cal. Oct. 20, 2023)
- Reddick v. Berryhill, No. 16-CV-29-BTM-BLM, 2019 U.S. Dist. LEXIS 91736, at *5-6 (S.D. Cal. May 30, 2019)
- Ayersman v. Berryhill, No. 17-cv-1121-WQH-JMA, 2021 U.S. Dist. LEXIS 1253, at *6-7 (S.D. Cal. Jan. 5, 2021)