

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

SB v. Commissioner of Social Security Administration

No. CV-20-01842-PHX-JAT (D. Ariz. Apr. 3, 2026) · No. No. CV-20-01842-PHX-JAT · Decided April 3, 2026

SUMMARY

The United States District Court for the District of Arizona granted Plaintiff's counsel's motion for attorney fees under 42 U.S.C. § 406(b) following a favorable Social Security disability determination on remand. The court approved \$78,668.50, representing 25% of the past-due benefits, and ordered counsel to refund the previously awarded \$21,568.70 in Equal Access to Justice Act fees to the plaintiff.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	James A. Teilborg
JURISDICTION	United States District Court for the District of Arizona
DECIDED	April 3, 2026
DOCKET	No. CV-20-01842-PHX-JAT
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff's counsel moved for attorney fees under 42 U.S.C. § 406(b)(1) (A) after the Social Security Administration issued a favorable decision on remand and awarded past-due benefits. The Commissioner did not respond.
STANDARD OF REVIEW	The Court independently reviewed the requested fee for reasonableness under the factors identified in <i>Gisbrecht v. Barnhart</i> , including the contingent-fee agreement, the character of counsel's representation, and the result achieved.
PRECEDENTIAL VALUE	Unknown; district court order
PARTIES	SB v. Commissioner of Social Security Administration

TOPICS

[remedies](#)[administrative law](#)[appellate procedure](#)[judicial review of agency action](#)

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether counsel's requested fee of \$78,668.50, equal to 25 percent of the past-due benefits, was reasonable under 42 U.S.C. § 406(b)(1)(A).
2. Whether counsel was required to refund the previously awarded EAJA fees to Plaintiff after receiving the § 406(b) fee.

HOLDINGS

1. A requested § 406(b) fee equal to 25 percent of past-due benefits is reasonable where the claimant agreed to that contingent fee, counsel provided competent and diligent representation without undue delay, the result was favorable, and the effective hourly rate was not an unwarranted windfall.
2. When counsel receives fees under both the EAJA and § 406(b), counsel must refund the smaller fee to the claimant.

KEY QUOTATIONS

“In determining whether fees sought under § 406(b) are reasonable, the Court considers the contingent-fee agreement, the character of the attorney’s representation, and the achieved result.” (at 2)

“IT IS FURTHER ORDERED that Plaintiff’s counsel shall, after receipt of the above-awarded fee, refund to Plaintiff the fee previously awarded under the EAJA, in the amount of \$21,568.70.” (at 4)

FACTUAL BACKGROUND

The ALJ initially denied Plaintiff's claim for Social Security disability benefits, but after appellate proceedings and remand, the ALJ issued a favorable decision. The Commissioner awarded \$314,674 in past-due benefits and withheld \$78,668.50, representing 25 percent of the past-due benefits of Plaintiff and her two children. Counsel documented 93.1 hours of work and sought the full withheld amount under § 406(b). Counsel had previously received an EAJA award of \$21,568.70.

PROCEDURAL HISTORY

An ALJ denied Plaintiff's claim for Social Security disability benefits. This Court affirmed, but Plaintiff appealed to the Ninth Circuit. The parties stipulated to dismissal of the appeal and remand for further administrative proceedings, which the Ninth Circuit granted. On remand, the ALJ issued a favorable decision, Plaintiff received past-due benefits, and this Court previously awarded \$21,568.70 in EAJA fees. Plaintiff's counsel then sought \$78,668.50 under § 406(b), which the Court granted subject to refunding the EAJA award to Plaintiff.

DISPOSITION

other

CASES CITED

- Crawford v. Astrue, 586 F.3d 1142, 1148-49, 1151, 1153 (9th Cir. 2009)
- Gisbrecht v. Barnhart, 535 U.S. 789, 793, 796, 808-09 (2002)
- Young v. Colvin, No. CV-11-538-PHX-SMM, 2014 WL 590335, at *2 (D. Ariz. Feb. 14, 2014)

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