

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Anthony Lee Gallegos v. Frank Bisignano, Commissioner of the
Social Security Administration

Gallegos · No. 1:23-cv-00579-JMR · Decided December 23, 2025

SUMMARY

The United States District Court for the District of New Mexico grants Anthony Lee Gallegos’s motion for attorney fees under 42 U.S.C. § 406(b) after a sentence-four remand resulted in a fully favorable Social Security disability decision and an award of past-due benefits. The court approves \$16,356.37 in fees for counsel’s 27.3 hours of federal-court work and directs counsel to refund the previously awarded \$6,973.90 EAJA fee, subject to any Treasury offset.

CASE DETAILS

COURT	United States District Court for the District of New Mexico
WRITING FOR THE COURT	Jennifer M. Rozzoni
JURISDICTION	United States District Court for the District of New Mexico
DECIDED	December 23, 2025
DOCKET	1:23-cv-00579-JMR
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for an award of attorney fees under 42 U.S.C. § 406(b) after the court remanded his Social Security case under sentence four of 42 U.S.C. § 405(g), the agency issued a fully favorable decision, and past-due benefits were awarded.
STANDARD OF REVIEW	The court independently reviewed the requested fee for reasonableness under <i>Gisbrecht v. Barnhart</i> , considering the character of the representation, the results achieved, any attorney-caused delay, and whether the fee was disproportionately large in relation to the time spent.
PRECEDENTIAL VALUE	Unknown; district court order granting attorney fees
PARTIES	Anthony Lee Gallegos v. Frank Bisignano, Commissioner of the Social Security Administration

TOPICS

attorney fees

judicial review of agency action

remedies

administrative law

civil procedure

PRACTICE AREAS

Social Security

attorney fees

administrative law

civil procedure

QUESTIONS PRESENTED

1. Whether the attorney's request for \$16,356.37 in fees for representation before the district court was timely under 42 U.S.C. § 406(b).
2. Whether the requested fee complied with the statutory 25-percent limitation for court-stage representation.
3. Whether the requested § 406(b) fee was reasonable under *Gisbrecht v. Barnhart*.

HOLDINGS

1. A request for attorney fees under § 406(b) should be filed within a reasonable time after the Commissioner's decision awarding benefits, and this request was timely because it was filed shortly after the SSA issued its Notice of Award.
2. The requested § 406(b) fee was permissible because it did not exceed 25 percent of the claimant's past-due benefits, and the 25-percent cap applies to court-stage fees rather than aggregating court-stage and agency-stage fees.
3. The requested \$16,356.37 fee was reasonable and could be paid from Gallegos's past-due benefits.
4. When counsel receives both EAJA fees and § 406(b) fees for the same representation, counsel must refund the smaller EAJA award to the claimant.

KEY QUOTATIONS

“Courts should review fee arrangements “as an independent check, to assure that they yield reasonable results in particular cases.”” (II)

“The reasonableness determination is “based on the character of the representation and the results the representative achieved.”” (II)

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

“Thus, the Court’s independent review of the fee request finds the requested amount to be both appropriate and reasonable.” (III)

FACTUAL BACKGROUND

Gallegos received a fully favorable administrative decision after the federal court remanded his Social Security disability case. The SSA awarded him \$167,651 in past-due benefits and withheld \$41,912.75 for attorney fees. His attorney had already been awarded \$9,200 for administrative-level work and sought \$16,356.37 for work performed before the district court, based on 27.3 hours of attorney time.

PROCEDURAL HISTORY

The SSA denied Gallegos's applications for Disability Insurance Benefits and Supplemental Security Income, and an ALJ issued an unfavorable decision that the Appeals Council declined to review. Gallegos sought judicial review, after which the Commissioner moved for an unopposed sentence-four remand that the court granted. Following a fully favorable administrative decision and an award of \$167,651 in past-due benefits, the court granted Gallegos's motion authorizing \$16,356.37 in § 406(b) attorney fees and directed counsel to refund the previously awarded \$6,973.90 EAJA fee.

DISPOSITION

other

CASES CITED

- McGraw v. Barnhart, 450 F.3d 493, 495-98, 505 (10th Cir. 2006)
- Frazier v. Apfel, 240 F.3d 1284, 1286 (10th Cir. 2001)
- Orner v. Shalala, 30 F.3d 1307, 1309 (10th Cir. 1994)
- Culbertson v. Berryhill, 139 S. Ct. 517, 518-19 (2019)
- Whitehead v. Richardson, 446 F.2d 126, 128 (6th Cir. 1971)
- Gisbrecht v. Barnhart, 535 U.S. 789, 793, 798-99, 807-08 (2002)
- Harbert v. Astrue, No. CIV-06-90-SPS, 2010 WL 3238958, at *1 n.1 (Aug. 16, 2010)
- Early v. Astrue, 295 F. App'x 916, 919 n.2 (10th Cir. 2008)

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