

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

Barbara R. v. Commissioner, Social Security Administration

Barbara R. · No. 3:18-cv-000616-MTK · Decided March 9, 2026

SUMMARY

The United States District Court for the District of Oregon granted Plaintiff Barbara R.’s motion for attorney fees under 42 U.S.C. § 406(b) after the court previously remanded her Social Security disability benefits case under sentence four of 42 U.S.C. § 405(g). The court awarded Plaintiff’s counsel \$20,600.00, payable in accordance with agency policy, and addressed the treatment of previously awarded Equal Access to Justice Act funds.

CASE DETAILS

COURT	United States District Court for the District of Oregon
WRITING FOR THE COURT	Mustafa T. Kasubhai
JURISDICTION	United States District Court for the District of Oregon
DECIDED	March 9, 2026
DOCKET	3:18-cv-000616-MTK
DISPOSITION	other
PROCEDURAL POSTURE	Following a sentence-four remand and an award of Social Security disability benefits, Plaintiff’s attorney moved for attorney fees under 42 U.S.C. § 406(b).
STANDARD OF REVIEW	Reasonableness review under <i>Gisbrecht v. Barnhart</i> of an attorney-fee request under 42 U.S.C. § 406(b).
PRECEDENTIAL VALUE	Unreported district court order; precedential status is not identified in the source.
PARTIES	Barbara R. v. Commissioner, Social Security Administration

TOPICS

[attorney fees](#) [administrative law](#) [remedies](#) [civil procedure](#)

PRACTICE AREAS

[Social Security](#) [administrative law](#) [attorney fees](#) [remedies](#)

QUESTIONS PRESENTED

1. Whether Plaintiff's counsel should receive an award of attorney fees under 42 U.S.C. § 406(b).
2. Whether the requested fee of \$20,600 was reasonable under the standards governing § 406(b) fee awards.

HOLDINGS

1. After Plaintiff obtained an award of benefits following a sentence-four remand, her counsel was entitled to an attorney-fee award under 42 U.S.C. § 406(b), subject to the statute and applicable agency procedures.
2. The requested attorney fee of \$20,600 was reasonable and was approved for payment in accordance with agency policy.

FACTUAL BACKGROUND

Barbara R. brought an action challenging the Commissioner's final decision denying her application for disability insurance benefits. The court reversed and remanded the matter under sentence four of 42 U.S.C. § 405(g), and Plaintiff later received notice of an award of benefits. Her attorney requested \$20,600 in fees under § 406(b), and the court reviewed the record and found the requested amount reasonable.

PROCEDURAL HISTORY

Plaintiff sought review of the Commissioner's denial of disability insurance benefits. On April 26, 2019, the court entered judgment reversing and remanding the case pursuant to sentence four of 42 U.S.C. § 405(g). Plaintiff received notice of an award of benefits on December 14, 2025, after which her attorney sought fees under § 406(b). The Commissioner took no position, and the court granted the motion.

DISPOSITION

other

CASES CITED

- *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002)

OPINION

UNITED STATES DISTRICT COURT DISTRICT OF OREGON BARBARA R.,¹ Case No. 3:18-cv-000616-MTK Plaintiff, ORDER v. COMMISSIONER, Social Security Administration, Defendant. _____ KASUBHAI, United States District Judge: Plaintiff Barbara R. brought this action seeking review of the Commissioner's final decision denying her application for disability insurance benefits under the Social Security Act.

ECF No. 1. On April 26, 2019, pursuant to a Stipulated Motion for Remand, the Court entered judgment reversing and remanding the case pursuant to sentence four of 42 U.S.C. § 405(g). ECF

Nos. 22-24. On December 14, 2025, Plaintiff received her notice of award of benefits. Pl. Mot. Ex. 3, ECF No. 29-3. 1 In the interest of privacy, the Court uses only the first name and last name initial of non- government parties whose identification could affect Plaintiff's privacy.

Plaintiff's attorney now seeks an award of fees pursuant to 42 U.S.C. § 406(b). ECF No. 29. Defendant takes no position with respect to the request. Id. Applying the standards set by *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002), the Court has reviewed the record in this case and finds that the requested fee is reasonable. Plaintiff's Motion for Attorney Fees Under 42 U.S.C. § 406(b) (ECF No. 29) is hereby GRANTED as follows: Plaintiff's counsel is allowed an attorney's fee under the Social Security Act, 42 U.S.C. § 406(b), in the amount of \$20,600.00, to be paid in accordance with agency policy.

The Court takes notice that the funds previously awarded under the Equal Access to Justice Act were seized by the Treasury. Pl. Mot. Ex. 1, ECF No. 29-1. Any funds withheld by the Commissioner in anticipation of an order under Section 406(b), less an administrative assessment pursuant to 42 U.S.C. 406(d), may be paid to Kevin Kerr, using the information on file with the Agency, consistent with this order.

IT IS SO ORDERED. DATED this 9th day of March 2026. s/ Mustafa T. Kasubhai MUSTAFA T. KASUBHAI (he/him) United States District Judge