

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.

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 US.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

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