

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
OKLAHOMA

Mark Anthony Slover v. Commissioner of the Social Security
Administration

Slover · No. CIV-22-079-JAR · Decided May 12, 2026

SUMMARY

The United States District Court for the Eastern District of Oklahoma granted counsel’s motion for attorney fees under 42 U.S.C. § 406(b) in a Social Security disability appeal. The court awarded \$11,973.75, payable from withheld past-due benefits, and directed counsel to refund the smaller of the EAJA award or the § 406(b) award to the plaintiff’s estate. The court found the fee request reasonable and timely under applicable Tenth Circuit precedent.

CASE DETAILS

COURT	United States District Court for the Eastern District of Oklahoma
WRITING FOR THE COURT	Jason A. Robertson
JURISDICTION	United States District Court for the Eastern District of Oklahoma
DECIDED	May 12, 2026
DOCKET	CIV-22-079-JAR
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff's counsel moved under 42 U.S.C. § 406(b) for an award of attorney fees after successfully obtaining reversal and remand of the Commissioner's adverse Social Security decision and subsequent payment of past-due benefits.
STANDARD OF REVIEW	The court reviewed the contingency-fee arrangement and contemporaneous time and expense records to determine whether the requested fee would produce a reasonable result in the particular case. It also considered whether the request was filed within a reasonable time under Fed. R. Civ. P. 60(b)(6).
PRECEDENTIAL VALUE	Unknown
PARTIES	Mark Anthony Slover v. Commissioner of the Social Security Administration

TOPICS

attorney fees administrative law judicial review of agency action civil procedure remedies

PRACTICE AREAS

Social Security law administrative law attorney fees civil procedure

QUESTIONS PRESENTED

1. Whether counsel's requested fee of \$11,973.75 was permissible and reasonable under 42 U.S.C. § 406(b).
2. Whether the § 406(b) fee request was timely under Fed. R. Civ. P. 60(b)(6).
3. Whether counsel was required to refund to Plaintiff's estate the smaller of the EAJA award and the § 406(b) award.

HOLDINGS

1. The requested \$11,973.75 fee was permissible and reasonable because it did not exceed the 25% contingency-fee limit, was consistent with the fee agreement, and was supported by reasonable and necessary time and expense records in light of the result obtained.
2. The fee request was timely because it was filed within a reasonable time after the Commissioner's November 4, 2025 Notice of Award.
3. Counsel must refund to Plaintiff's estate the smaller of the EAJA fees previously awarded and the § 406(b) fees awarded in this decision.

KEY QUOTATIONS

“The only condition upon the full award of 25% is a requirement that the court review contingency fee arrangements “to assure that they yield reasonable results in particular cases.””

“To that end, any fee request pursued under §406(b) should be filed “within a reasonable time of the Commissioner’s decision awarding benefits.””

FACTUAL BACKGROUND

Counsel represented Plaintiff in an appeal from an adverse Social Security benefits decision under a contingency-fee agreement providing for 25% of any past-due benefits. The court previously reversed and remanded the administrative decision, and Plaintiff was later found disabled for a closed period, resulting in \$57,729.00 in past-due benefits. Plaintiff died during the proceedings, and his brother was substituted on behalf of the estate. Counsel had already received an EAJA award of \$6,741.50 and sought \$11,973.75 under § 406(b).

PROCEDURAL HISTORY

Counsel appealed an adverse administrative decision, and this Court previously reversed and remanded the decision for further proceedings. On remand, Plaintiff was found disabled for a closed period and his estate was awarded \$57,729.00 in past-due benefits. After the Commissioner issued a Notice of Award on November 4,

2025, counsel filed a § 406(b) fee request on February 26, 2026. The court granted the request for \$11,973.75 and directed payment from withheld past-due benefits, subject to a refund of the smaller EAJA award to Plaintiff's estate.

DISPOSITION

other

CASES CITED

- *Gisbrecht v. Barnhart*, 535 U.S. 789, 807 (2002)
- *Wrenn v. Astrue*, 525 F.3d 931, 937-938 (10th Cir. 2008)
- *McGraw v. Barnhart*, 450 F.3d 493, 505 (10th Cir. 2006)
- *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986)

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