

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
NEW YORK

Michael E. v. Commissioner of Social Security

No. 3:23-CV-1363 (DJS), United States District Court for the Northern District of New York (February 9, 2026)

SUMMARY

The United States District Court for the Northern District of New York grants Plaintiff's counsel's motion for attorney's fees under 42 U.S.C. § 406(b) following a remand in a Social Security disability benefits case and a favorable decision on remand. The court awards \$15,208.75, payable from past-due benefits withheld by the Commissioner, and directs counsel to remit to Plaintiff any fees previously received under the Equal Access to Justice Act.

CASE DETAILS

COURT	United States District Court for the Northern District of New York
WRITING FOR THE COURT	Daniel J. Stewart
JURISDICTION	United States District Court for the Northern District of New York
DECIDED	February 9, 2026
DOCKET	3:23-CV-1363 (DJS)
DISPOSITION	other
PROCEDURAL POSTURE	After the court remanded Plaintiff's Social Security disability-benefits case pursuant to a stipulation and the Administrative Law Judge awarded benefits on remand, Plaintiff's counsel moved for attorney's fees under 42 U.S.C. § 406(b).
STANDARD OF REVIEW	The court independently reviewed the contingent-fee arrangement to determine whether the requested § 406(b) fee was reasonable, including consideration of the statutory 25 percent cap, fraud or overreaching, attorney-caused delay, and whether the fee would constitute a windfall.
PRECEDENTIAL VALUE	Unpublished district court decision; persuasive value only.

TOPICS

- attorney fees
- remedies
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff's counsel was entitled to an attorney's-fee award under 42 U.S.C. § 406(b).
2. Whether the requested fee of \$15,208.75 was reasonable under the contingent-fee agreement and the governing § 406(b) standards.

HOLDINGS

1. When a court renders a judgment favorable to a Social Security claimant represented by an attorney, it may award a reasonable fee for the attorney's federal-court representation, subject to the statutory limitation that the fee not exceed 25 percent of the claimant's past-due benefits attributable to the judgment.
2. The requested \$15,208.75 fee was reasonable and should be awarded under § 406(b).

KEY QUOTATIONS

“This section “calls for court review of such arrangements as an independent check, to assure that they yield reasonable results in particular cases.”” (Discussion)

“The court “must give due deference to the intent of the parties, but it ought not blindly approve every fee request made pursuant to a contingent agreement.”” (Discussion)

““A requested fee based on a contingent fee arrangement should be enforced unless the court finds it to be unreasonable.”” (Discussion)

FACTUAL BACKGROUND

Plaintiff sought judicial review of the denial of Social Security disability benefits and obtained a remand to the Social Security Administration through a stipulated remand. On remand, the Administrative Law Judge awarded Plaintiff benefits, resulting in past-due benefits from which the Commissioner withheld funds. Plaintiff's counsel requested \$15,208.75 for 31.4 hours of federal-court work under a contingency agreement, and the requested amount did not exceed 25 percent of the past-due benefits.

PROCEDURAL HISTORY

Plaintiff filed an action seeking review of the Commissioner's denial of disability benefits. On June 7, 2024, the court remanded the matter to the Social Security Administration pursuant to the parties' stipulation. The Administrative Law Judge subsequently issued a favorable decision awarding benefits. Plaintiff's counsel then sought \$15,208.75 in fees under § 406(b), agreeing to remit to Plaintiff the amount previously awarded under the Equal Access to Justice Act. The court granted the fee motion.

DISPOSITION

other

CASES CITED

- *Gisbrecht v. Barnhart*, 535 U.S. 789, 807-08 (2002)
- *Wells v. Sullivan*, 907 F.2d 367, 370, 372 (2d Cir. 1990)
- *Fields v. Kijakazi*, 24 F.4th 845, 854-56 (2d Cir. 2022)
- *Porter v. Commissioner of Social Security*, 2009 WL 2045688, at *3 (N.D.N.Y. July 10, 2009)
- *Eric K. v. Berryhill*, 2019 WL 1025791, at *3 (N.D.N.Y. Mar. 4, 2019)
- *Filipkowski v. Barnhart*, 2009 WL 2426008, at *2 (N.D.N.Y. Aug. 6, 2009)

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