

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WISCONSIN

**Daniel Claudio-Rivera v. Frank Bisignano, Commissioner of Social
Security**

Daniel Claudio-Rivera v. Bisignano, No. 23-cv-47-amb (W.D. Wis. Feb. 17, 2026) · No. 23-cv-47-amb ·
Decided February 17, 2026

SUMMARY

The United States District Court for the Western District of Wisconsin grants attorney Dana Duncan’s motion for fees under 42 U.S.C. § 406(b) after a stipulated remand and favorable Social Security disability decision for Daniel Claudio-Rivera. The court approves a gross fee of \$13,035, permits counsel to retain a previously awarded \$5,700 EAJA fee, and directs disbursement of the \$7,335 net amount from withheld past-due benefits.

CASE DETAILS

COURT	United States District Court for the Western District of Wisconsin
WRITING FOR THE COURT	Anita Marie Boor
JURISDICTION	United States District Court for the Western District of Wisconsin
DECIDED	February 17, 2026
DOCKET	23-cv-47-amb
DISPOSITION	other
PROCEDURAL POSTURE	After the parties stipulated to remand of Claudio-Rivera's action for judicial review of the denial of Social Security disability benefits, the Commissioner issued a favorable decision. Claudio-Rivera's counsel then moved for attorney fees under 42 U.S.C. § 406(b).
PRECEDENTIAL VALUE	Unpublished district-court order; limited precedential value
PARTIES	Daniel Claudio-Rivera v. Frank Bisignano, Commissioner of Social Security

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether counsel was entitled to a reasonable attorney-fee award under 42 U.S.C. § 406(b) after Claudio-Rivera obtained a favorable decision following remand.
2. Whether the requested gross fee of \$13,035 was reasonable and within the statutory 25-percent cap when considered together with fees awarded at the administrative level.

HOLDINGS

1. The requested representative fee of \$13,035 was reasonable and should be approved under 42 U.S.C. § 406(b).
2. Counsel could retain the previously awarded \$5,700 EAJA fee in partial satisfaction of the § 406(b) award, resulting in a net § 406(b) disbursement of \$7,335.

KEY QUOTATIONS

“In assessing a fee for reasonableness, “a district court must begin with the contingency award as its polestar and consider whether that amount should be reduced because it is unwarranted based on relevant factors, such as the claimant’s satisfaction with their attorney’s representation, the attorney’s expertise and efforts expended, whether the attorney engaged in any undue delay or overreaching, the uncertainty of recovery and risks of an adverse outcome, and how the effective hourly rate compares to others in the field and jurisdiction.”” (at 601)

FACTUAL BACKGROUND

The Social Security Administration initially denied Daniel Claudio-Rivera's application for disability benefits. Following a stipulated remand, Claudio-Rivera received a favorable decision and past-due benefits, with 25 percent of those benefits apparently held in reserve for attorney fees. His counsel requested \$13,035 under 42 U.S.C. § 406(b), representing an effective hourly rate of \$550, and had previously received a \$5,700 EAJA award.

PROCEDURAL HISTORY

Claudio-Rivera filed an action seeking judicial review of the Social Security Administration's denial of disability benefits. The parties stipulated to remand, after which Claudio-Rivera received a favorable decision from the Commissioner. Counsel moved for a § 406(b) fee award, and the court granted the motion in part by approving a gross award of \$13,035, permitting counsel to retain a prior \$5,700 EAJA award, and directing disbursement of the \$7,335 net amount.

DISPOSITION

other

CASES CITED

- *Gisbrecht v. Barnhart*, 535 U.S. 789, 792 (2002)
- *Arnold v. O'Malley*, 106 F.4th 595, 601 (7th Cir. 2024)

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