

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
KENTUCKY, PADUCAH DIVISION

Lisa Ann Jameson v. Frank Bisignano, Commissioner of Social
Security

Jameson · No. 5:24-cv-70-LLK · Decided June 17, 2026

SUMMARY

The United States District Court for the Western District of Kentucky partially granted and partially denied counsel’s motion for attorney fees under 42 U.S.C. § 406(b) in a Social Security disability case. Although counsel sought \$26,261.75, the court approved \$19,365.00 based on the reasonable effective hourly rates and hours attributable to the attorneys’ federal-court work. The court directed payment of the approved amount from the plaintiff’s past-due benefits and found that no EAJA offset was required.

CASE DETAILS

COURT	United States District Court for the Western District of Kentucky, Paducah Division
WRITING FOR THE COURT	Lanny King, United States Magistrate Judge
JURISDICTION	United States District Court for the Western District of Kentucky, Paducah Division
DECIDED	June 17, 2026
DOCKET	5:24-cv-70-LLK
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff's counsel moved under 42 U.S.C. § 406(b) for approval of a \$26,261.75 attorney-fee award, representing 25 percent of Plaintiff's past-due Social Security benefits. The Commissioner neither supported nor opposed the request. The court independently reviewed the requested fee and approved \$19,365.00.
STANDARD OF REVIEW	The court independently reviews the reasonableness of a contingency-fee request under 42 U.S.C. § 406(b), notwithstanding a fee agreement within the statutory 25-percent cap and the absence of opposition.
PRECEDENTIAL VALUE	unpublished and nonprecedential district court memorandum opinion and order

PARTIES

Lisa Ann Jameson v. Frank Bisignano, Commissioner of Social Security

TOPICS

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

PRACTICE AREAS

Social Security administrative law attorney fees remedies

QUESTIONS PRESENTED

1. Whether the requested attorney fee of \$26,261.75, equal to 25 percent of Plaintiff's past-due benefits, was reasonable under 42 U.S.C. § 406(b).
2. Whether time spent preparing and filing the § 406(b) fee motion could be included in calculating the compensable effective hourly rate.
3. Whether the court could reduce an otherwise presumptively reasonable and unopposed contingency-fee request after independently reviewing the circumstances of the case.

HOLDINGS

1. A contingency-fee agreement within § 406(b)'s 25-percent cap is entitled to a rebuttable presumption of reasonableness, but the court must independently assess whether the requested fee is reasonable for the services rendered. Because counsel did not provide sufficient evidence supporting an effective rate of approximately \$629.02 per hour, the court reduced the requested fee and approved \$19,365.00.
2. Time spent preparing and filing a motion for attorney fees is not compensable under 42 U.S.C. § 406(b) and must be excluded from the hours used to calculate the effective hourly rate.

KEY QUOTATIONS

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

“A court that passively accepts a fee agreement doesn’t just fail to exercise discretion—it fails to discharge its duty of independent review.” (Section II)

FACTUAL BACKGROUND

Lisa Ann Jameson pursued Social Security Disability Insurance benefits after an initial application and administrative appeal were unsuccessful. Counsel subsequently filed another application that resulted in an award of benefits, and the federal court remanded the judicial-review action for consideration of new and material evidence. On remand, the agency awarded \$105,047.00 in past-due benefits and withheld \$26,261.75, or 25 percent, for attorney fees. Counsel reported 44.25 hours of federal-court work, including 2.5 hours spent preparing the § 406(b) fee motion.

PROCEDURAL HISTORY

After the Commissioner denied Plaintiff's Social Security disability claim, Plaintiff filed an action seeking judicial review under 42 U.S.C. § 405(g). On September 30, 2025, the court remanded the matter to the Social Security Administration for further proceedings and consideration of new and material evidence. The agency later issued a fully favorable decision awarding \$105,047.00 in past-due benefits and withholding \$26,261.75 for attorney fees. Plaintiff's counsel then sought approval of the withheld amount under § 406(b), and the court reduced the award to \$19,365.00.

DISPOSITION

other

CASES CITED

- *Gisbrecht v. Barnhart*, 535 U.S. 789, 796, 807-09 (2002)
- *Hensley v. Commissioner of Social Security*, 2021 WL 117911, at *2 (S.D. Ohio Jan. 13, 2021)
- *Lasley v. Commissioner of Social Security*, 771 F.3d 308, 309 (6th Cir. 2014)
- *Hayes v. Secretary of Health and Human Services*, 923 F.2d 418, 421-22 (6th Cir. 1991)
- *Williams v. Dudek*, 2025 WL 1233215 (W.D. Ky. Apr. 29, 2025)
- *In re Horenstein*, 810 F.2d 73, 75 (6th Cir. 1986)
- *Tucker v. Commissioner*, 136 F.4th 639, 643 (6th Cir. 2025)
- *Rodriguez v. Bowen*, 865 F.2d 739, 746 (6th Cir. 1989)
- *Lewis v. Kijakazi*, 2023 WL 395793, at *2 (W.D. Ky. Jan. 25, 2023)
- *Calendaria v. Commissioner of Social Security*, 2020 WL 4728773, at *5 (W.D. Ky. Aug. 14, 2020)
- *Wummel v. Commissioner of Social Security*, 2016 WL 245287, at *2 n.2 (E.D. Mich. Jan. 21, 2016)
- *Ballatore v. Commissioner of Social Security*, 2015 WL 5830836, at *10 (E.D. Mich. Aug. 5, 2015)
- *Amburgey v. Colvin*, 2016 WL 2859611, at *2 (E.D. Ky. May 16, 2016)
- *Broxton v. Commissioner*, 2024 WL 2863295, at *1 (E.D. Mich. Apr. 4, 2024)
- *Philpott v. Commissioner of Social Security*, 2021 WL 2109225, at *4 (W.D. Ky. May 25, 2021)
- *Kishbaugh v. Saul*, 2019 WL 3483163 (W.D. Ky. July 31, 2019)
- *Williams v. Commissioner of Social Security*, 780 F. Supp. 3d 709, 714 (W.D. Ky. 2025)

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