

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

Christopher P. v. Commissioner of Social Security

Christopher P. · No. 6:24-CV-6163-A · Decided February 24, 2026

SUMMARY

The United States District Court for the Western District of New York grants Plaintiff Christopher P.’s motion for \$11,000 in attorney fees under 42 U.S.C. § 406(b)(1)(A) following a favorable Social Security benefits judgment. The court finds the fee reasonable and directs counsel to refund the previously awarded \$2,500 EAJA fee to Plaintiff.

CASE DETAILS

COURT	United States District Court for the Western District of New York
WRITING FOR THE COURT	Richard J. Arcara
JURISDICTION	United States District Court for the Western District of New York
DECIDED	February 24, 2026
DOCKET	6:24-CV-6163-A
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, having prevailed in a federal social security benefits action, moved under 42 U.S.C. § 406(b)(1)(A) for an award of attorney fees from his past-due benefits.
STANDARD OF REVIEW	The court independently reviewed the contingent-fee agreement and supporting documentation to determine whether the requested fee was reasonable under 42 U.S.C. § 406(b).
PRECEDENTIAL VALUE	unpublished district court decision
PARTIES	Christopher P. v. Commissioner of Social Security

TOPICS

- attorney fees
- administrative law
- remedies
- civil procedure

PRACTICE AREAS

- Social Security
- administrative law
- attorney fees
- civil procedure

QUESTIONS PRESENTED

1. Whether counsel's requested \$11,000.00 fee was reasonable under 42 U.S.C. § 406(b)(1)(A).
2. Whether counsel was required to refund the previously awarded \$2,500.00 EAJA fee to Plaintiff after receiving the larger § 406(b) award.

HOLDINGS

1. A district court may approve a contingent-fee award within the statutory 25% limit only after independently determining that the fee is reasonable; the court approved counsel's \$11,000.00 request because it was well below the statutory and contractual maximum, was supported by the quality and results of the representation, and was not the product of fraud, overreaching, or a windfall.
2. When the attorney receives both an EAJA fee and a larger fee under § 406(b) for the same representation, the attorney must refund the lesser fee to the client.

KEY QUOTATIONS

“Section 406(b) “does not displace contingent-fee agreements” but rather “calls for court review of such arrangements as an independent check, to assure that they yield reasonable results in particular cases.””

“Within the 25 percent boundary..., the attorney for the successful claimant must show that the fee sought is reasonable for the services rendered.”

“The fees are to be paid out of Plaintiff’s past-due benefits in accordance with agency policy”

FACTUAL BACKGROUND

Plaintiff entered into a contingency-fee agreement providing for attorney fees equal to 25% of any past-due benefits. Following the federal social security litigation, Plaintiff received \$81,501.00 in past-due benefits, and the Social Security Administration withheld \$20,375.25 for attorney fees. Counsel sought \$11,000.00 for 11.3 hours of federal-court work, and counsel had previously received \$2,500.00 under the EAJA.

PROCEDURAL HISTORY

After the federal action commenced, Plaintiff was awarded \$81,501.00 in past-due benefits. Plaintiff's counsel moved for \$11,000.00 in attorney fees under § 406(b), and the Commissioner did not support or oppose the request. The court granted the motion and directed counsel to refund a previously awarded \$2,500.00 EAJA fee to Plaintiff.

DISPOSITION

other

CASES CITED

- *Gisbrecht v. Barnhart*, 535 U.S. 789, 794 (2002)
- *Gisbrecht v. Barnhart*, 535 U.S. 789, 798 (2002)

- *Gisbrecht v. Barnhart*, 535 U.S. 789, 807-08 (2002)
- *Fields v. Kijakazi*, 24 F.4th 845, 849, 852-54 (2d Cir. 2022)
- *Wells v. Sullivan*, 907 F.2d 367, 372 (2d Cir. 1990)
- *Wells v. Bowen*, 855 F.2d 37, 42 (2d Cir. 1988)

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