

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF CONNECTICUT

Melissa C. v. Frank Bisignano, Commissioner of Social Security

Melissa C. · No. 3:21-cv-01553-RMS · Decided December 18, 2025

SUMMARY

The United States District Court for the District of Connecticut granted counsel's motion for attorney's fees under 42 U.S.C. § 406(b) in the amount of \$33,472.50. The court found the requested contingency fee reasonable under the applicable factors and ordered counsel to refund the previously awarded \$9,000 EAJA fee to the plaintiff.

CASE DETAILS

COURT	United States District Court for the District of Connecticut
WRITING FOR THE COURT	Robert M. Spector
JURISDICTION	United States District Court for the District of Connecticut
DECIDED	December 18, 2025
DOCKET	3:21-cv-01553-RMS
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff's counsel moved under 42 U.S.C. § 406(b)(1) for approval of \$33,472.50 in attorney's fees from the plaintiff's past-due Social Security benefits. The Commissioner did not support or oppose the motion but requested that the Court determine whether counsel's de facto hourly rate was reasonable.
STANDARD OF REVIEW	Under 42 U.S.C. § 406(b), the court independently reviews a contingency-fee agreement to determine whether the requested fee is reasonable, beginning with the agreement and considering the character of the representation and result achieved, undue delay, fraud or overreaching, and whether the fee would constitute a windfall.
PRECEDENTIAL VALUE	unpublished district court ruling; precedential status unknown
PARTIES	Melissa C. v. Frank Bisignano, Commissioner of Social Security

TOPICS

- attorney fees
- administrative law
- remedies
- civil procedure

PRACTICE AREAS

Social Security

attorney's fees

administrative law

civil procedure

QUESTIONS PRESENTED

1. Whether counsel's requested fee of \$33,472.50, equal to 25 percent of the plaintiff's combined past-due benefits, was reasonable under 42 U.S.C. § 406(b)(1)(A).
2. Whether counsel was required to refund the previously awarded \$9,000 EAJA fee to the plaintiff after receiving the § 406(b) fee.

HOLDINGS

1. A contingency-fee request of \$33,472.50, representing 25 percent of the plaintiff's combined past-due benefits, was reasonable and should be approved under 42 U.S.C. § 406(b)(1)(A).
2. After receiving the § 406(b) fee for the same work, counsel must refund the \$9,000 EAJA award to the plaintiff.

KEY QUOTATIONS

"Where, as here, a contingency fee agreement is in place, section "406(b) calls for court review of such arrangements as an independent check, to assure that they yield reasonable results."" (Discussion)

"Accordingly, courts "approach fee determinations by looking first to the contingent-fee agreement, then testing it for reasonableness[.]'" (Discussion)

"In holding that a contingency fee may only be reduced if it is unreasonable, courts have "rejected reliance on 'the traditional lodestar method' utilized in fee-shifting statutes."" (Discussion)

FACTUAL BACKGROUND

Counsel represented Melissa C. in federal litigation challenging the denial of supplemental security income and obtained a reversal followed by a fully favorable decision after further proceedings. The Commissioner awarded the plaintiff \$116,937 in past-due benefits and an additional \$16,953 in benefits for her minor son, producing total past-due benefits of \$133,890. The contingent-fee agreement capped counsel's fee at 25 percent of past-due benefits, or \$33,472.50, while counsel had already received \$9,000 under the EAJA for the same federal-court work.

PROCEDURAL HISTORY

Melissa C. brought an action under 42 U.S.C. § 405(g) challenging the denial of supplemental security income. The Court previously granted a motion to reverse the Commissioner's decision, and counsel later obtained a fully favorable decision after further administrative proceedings. Counsel previously received \$9,000 in EAJA fees and then sought \$33,472.50 under § 406(b), representing 25 percent of the combined past-due benefits. The Court granted the fee motion and ordered counsel to refund the \$9,000 EAJA award to the plaintiff.

DISPOSITION

other

CASES CITED

- *Gisbrecht*, 535 U.S.
- *Fields v. Kijakazi*, 24 F.4th 845, 849 (2d Cir.)
- *Wells v. Sullivan*, 907 F.2d 367, 372 (2d Cir.)
- *Yamile B. S. v. Comm'r of Soc. Sec. Admin.*, No. 19 CV 155 (SALM) (D. Conn. Apr. 14, 2022)
- *Blizzard v. Astrue*, 496 F. Supp. 2d 320, 325 (S.D.N.Y.)

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