

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
OKLAHOMA

Ricky Lee Stanford v. Commissioner of the Social Security
Administration

Stanford · No. CIV-22-360-JAR · Decided May 12, 2026

SUMMARY

The United States District Court for the Eastern District of Oklahoma granted counsel’s motion for attorney fees under 42 U.S.C. § 406(b) following a successful appeal and remand in a Social Security benefits matter. The court awarded \$23,000.00 in fees from withheld past-due benefits and directed counsel to refund the smaller of any previously awarded EAJA fees or the § 406(b) award to Plaintiff’s estate.

CASE DETAILS

COURT	United States District Court for the Eastern District of Oklahoma
WRITING FOR THE COURT	Jason A. Robertson
JURISDICTION	United States District Court for the Eastern District of Oklahoma
DECIDED	May 12, 2026
DOCKET	CIV-22-360-JAR
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff's counsel moved for an award of attorney fees under 42 U.S.C. § 406(b) after the Social Security Administration issued a fully favorable decision on remand and awarded past-due benefits.
STANDARD OF REVIEW	The court reviewed the contingency-fee agreement and counsel's contemporaneous time and expense records to determine whether the requested fee produced a reasonable result in the particular case. The timeliness of the request was evaluated under the extraordinary-relief standard of Federal Rule of Civil Procedure 60(b)(6), requiring filing within a reasonable time of the Commissioner's decision awarding benefits.
PRECEDENTIAL VALUE	Unpublished district court opinion and order; persuasive value only.
PARTIES	Ricky Lee Stanford v. Commissioner of the Social Security Administration

TOPICS

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

PRACTICE AREAS

Social Security administrative law attorney fees

QUESTIONS PRESENTED

1. Whether counsel's requested \$23,000.00 fee under 42 U.S.C. § 406(b) was permissible and reasonable under the contingency-fee agreement, the 25% statutory limitation, and the court's review obligation.
2. Whether the fee motion was timely under Federal Rule of Civil Procedure 60(b)(6).
3. Whether counsel was required to refund to Plaintiff's estate the smaller of the EAJA fee and the § 406(b) fee.

HOLDINGS

1. A court may award up to 25% of past-due Social Security benefits as a contingent attorney fee under 42 U.S.C. § 406(b), but must review the fee arrangement and case records to ensure that it yields a reasonable result in the particular case. The requested \$23,000.00 fee was within the contractual and statutory limits and was reasonable in light of the time expended and result obtained.
2. A motion for fees under § 406(b) may be pursued through Federal Rule of Civil Procedure 60(b)(6) and is timely when filed within a reasonable time of the Commissioner's decision awarding benefits. Counsel's motion, filed less than one month after the February 16, 2026 Notice of Award, was timely.
3. When counsel receives both EAJA fees and § 406(b) fees for the same representation, counsel must refund to the claimant's estate the smaller amount between the EAJA award and the § 406(b) award.

KEY QUOTATIONS

"The only condition upon the full award of 25% is a requirement that the court review contingency fee arrangements "to assure that they yield reasonable results in particular cases.""

FACTUAL BACKGROUND

Counsel represented Stanford in an appeal from an adverse Social Security benefits decision under a contingency-fee agreement providing for 25% of any past-due benefits. After counsel filed an opening brief, the Commissioner moved unopposed for remand, and the court granted the motion. On remand, Stanford received a fully favorable decision and \$112,769.00 in past-due benefits; counsel sought \$23,000.00 under § 406(b).

PROCEDURAL HISTORY

Plaintiff appealed an adverse administrative decision denying Social Security benefits. The Commissioner filed an unopposed motion to remand, which the court granted. On remand, Plaintiff received a fully favorable decision and \$112,769.00 in past-due benefits; counsel then sought \$23,000.00 under § 406(b), after receiving \$6,275.50 under the Equal Access to Justice Act.

DISPOSITION

other

CASES CITED

- *Gisbrecht v. Barnhart*, 535 U.S. 789, 807 (2002)
- *Wrenn v. Astrue*, 525 F.3d 931, 937-938 (10th Cir. 2008)
- *McGraw v. Barnhart*, 450 F.3d 493, 505 (10th Cir. 2006)
- *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986)

OPINION

Stanford

PER CURIAM.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF OKLAHOMA

RICKY LEE STANFORD,)

) Plaintiff,)) v.) Case No. CIV-22-360-JAR)

COMMISSIONER OF THE)

SOCIAL SECURITY)

ADMINISTRATION,)

) Defendant.)

OPINION AND ORDER

This matter comes before this Court on Motion for Attorney Fees Under 42 U.S.C. § 406(b) filed by Gayle L. Troutman with the firm Troutman and Troutman, the attorney of record for Plaintiff (Docket Entry No. 26). Counsel requests that she be awarded fees for legal work pursuant to 42 U.S.C. § 406(b) in the amount of \$23,000.00. Counsel was employed by Plaintiff to appeal the adverse decision rendered by Administrative Law Judge presiding over the request for benefits. To that end, Counsel entered into a contract for compensation with Plaintiff, providing for the payment of a fee equal to 25% of any past due benefits ultimately awarded to Plaintiff. Such contracts are recognized as valid under the prevailing case authority. *Gisbrecht v. Barnhart*, 535 U.S. 789, 807 (2002). Counsel filed an opening brief setting forth Plaintiff’s position in this appeal to which Defendant responded with an unopposed motion to remand, which was granted by Order of this Court. Consequently, Plaintiff was successful in this appeal. As a result, Plaintiff was awarded attorney’s fees in accordance with the Equal Access to Justice Act (“EAJA”) for the efforts before this Court in the amount of \$6,275.50. On remand, Plaintiff received a fully favorable decision and past due benefits were awarded in the amount of \$112,769.00. The amount awarded to counsel for successfully prosecuting an appeal of a denial of Social Security benefits and obtaining benefits for a claimant may not exceed 25% of past due benefits. 42 U.S.C. § 406(b)

(1)(A). As in this case, Defendant is authorized to withhold up to 25% of the past due benefits awarded to a claimant for payment directly to the claimant's attorney. 42 U.S.C. § 406(a)(4). The Tenth Circuit Court of Appeals determined that the 25% amount is separate and apart from the amount awarded at the agency level under 42 U.S.C. § 406(a). *Wrenn v. Astrue*, 525 F.3d 931, 937-938 (10th Cir. 2008). The only condition upon the full award of 25% is a requirement that the court review contingency fee arrangements "to assure that they yield reasonable results in particular cases." *Id.* at 938 (citations omitted). Counsel's requested fees do not exceed either the amount contracted for in the contingency fee agreement or the limitations of §406(b). Defendant generally does not take a position on awarding the amount requested, stating that the Social Security Administration has no financial stake in the result. Despite the fact the source for Counsel's compensation is a contingency fee contract, this Court has reviewed the contemporaneous time and expense records based upon the admonishment of the Tenth Circuit to do so and finds the time expended to be reasonable and necessary in consideration of the result obtained. This Court has evaluated Counsel's request for its timeliness. In seeking an award under § 406(b), an attorney is required to employ the provisions of Fed. R. Civ. P. 60(b)(6). *McGraw v. Barnhart*, 450 F.3d 493, 505 (10th Cir. 2006). While relief under this rule is considered extraordinary and reserved for exceptional circumstances, substantial justice is served by permitting its use in the circumstance faced by counsel in seeking these fees. *Id.* To that end, any fee request pursued under §406(b) should be filed "within a reasonable time of the Commissioner's decision awarding benefits." *Id.* (citation omitted). In this case, Notice of Award was issued by Defendant on February 16, 2026. Counsel filed her request for compensation on March 13, 2026. This Court cannot find the delay which occurred in this case warrants the draconian result of denying an award of fees. Therefore, the request is considered timely. IT IS THEREFORE ORDERED that Motion for Attorney Fees Under 42 U.S.C. § 406(b) filed by Gayle L. Troutman with the firm Troutman and Troutman, the attorney of record for Plaintiff (Docket Entry No. 26) is hereby GRANTED. Plaintiff's counsel is awarded fees in the amount of \$23,000.00. Defendant is directed to pay this fee directly to counsel from the amount of past due benefits withheld for that purpose. In addition, Plaintiff's counsel shall refund to Plaintiff's estate the smaller amount between any EAJA fees already awarded and the § 406(b) fees awarded in this decision to Plaintiff. *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986). IT IS SO ORDERED this 12th day of May, 2026. _____

JASON A. ROBERTSON

UNITED STATES MAGISTRATE JUDGE