

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PRECEDENTIAL VALUE	Unpublished district court opinion and order; persuasive value only.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)

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