

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
INDIANA

Vanessa M. Bickett v. Frank Bisignano, Commissioner of the Social
Security Administration

Bickett · No. 2:22-CV-20-TLS-JEM · Decided April 2, 2026

SUMMARY

The United States District Court for the Northern District of Indiana granted Vanessa M. Bickett’s unopposed motion for attorney fees under 42 U.S.C. § 406(b). The court awarded \$15,464.50 and ordered counsel to refund \$7,056.87 in previously awarded EAJA fees to the plaintiff.

CASE DETAILS

COURT	United States District Court for the Northern District of Indiana
WRITING FOR THE COURT	Theresa L. Springmann
JURISDICTION	United States District Court for the Northern District of Indiana
DECIDED	April 2, 2026
DOCKET	2:22-CV-20-TLS-JEM
DISPOSITION	approved
PROCEDURAL POSTURE	Plaintiff moved for approval of attorney fees under 42 U.S.C. § 406(b) after obtaining a reversal and remand of the Social Security Administration's denial of benefits and receiving past-due benefits. The motion was unopposed.
STANDARD OF REVIEW	The court evaluates whether the requested § 406(b) fee is reasonable, beginning with the contingency-fee award as the polestar and considering the character of the representation, results achieved, claimant satisfaction, counsel's expertise and efforts, undue delay or overreaching, risk of nonrecovery, and the effective hourly rate.
PRECEDENTIAL VALUE	unpublished
PARTIES	Vanessa M. Bickett v. Frank Bisignano, Commissioner of the Social Security Administration

TOPICS

- administrative law
- judicial review of agency action
- remedies

PRACTICE AREAS

Social Security

administrative law

attorney fees

QUESTIONS PRESENTED

1. Whether the requested \$15,464.50 attorney-fee award under 42 U.S.C. § 406(b) was reasonable and within the statutory twenty-five-percent cap.
2. Whether counsel was required to refund the previously awarded \$7,056.87 in EAJA fees.

HOLDINGS

1. A district court may award a reasonable fee for successful federal-court representation under 42 U.S.C. § 406(b), not exceeding twenty-five percent of the claimant's past-due benefits; the requested \$15,464.50 fee was reasonable under the contingency agreement and the circumstances of the case.
2. An award under § 406(b) must be offset by the EAJA award, and counsel must refund the previously awarded \$7,056.87 in EAJA fees to Plaintiff.

KEY QUOTATIONS

“For this analysis, a district court must begin with the contingency award as its polestar and consider whether that amount should be reduced because it is unwarranted based on relevant factors, such as the claimant’s satisfaction with their attorney’s representation, the attorney’s expertise and efforts expended, whether the attorney engaged in any undue delay or overreaching, the uncertainty of recovery and risks of an adverse outcome, and how the effective hourly rate compares to others in the field and jurisdiction.”

(Analysis)

“The Court ORDERS the Plaintiff’s attorney to refund to the Plaintiff the \$7,056.87 in EAJA fees previously awarded and received by counsel in this case.” (Conclusion)

FACTUAL BACKGROUND

The Social Security Administration denied Plaintiff's applications for disability insurance benefits and supplemental security income. After this Court reversed and remanded for further proceedings, the agency awarded Plaintiff \$90,658.00 in past-due benefits. Plaintiff's fee agreement allowed counsel up to twenty-five percent of past-due benefits for federal-court work, and counsel requested \$15,464.50 under § 406(b), while agreeing to refund the previously awarded \$7,056.87 in EAJA fees.

PROCEDURAL HISTORY

The Social Security Administration denied Plaintiff's applications for disability insurance benefits and supplemental security income. Plaintiff filed this action, and the Court reversed and remanded for further proceedings. The Court previously awarded counsel \$7,056.87 in EAJA fees, and the Social Security Administration later awarded Plaintiff \$90,658.00 in past-due benefits. Counsel then sought \$15,464.50 under § 406(b), agreeing to refund the EAJA fees.

DISPOSITION

approved

CASES CITED

- Culbertson v. Berryhill, 586 U.S. 53, 55 (2019)
- Gisbrecht v. Barnhart, 535 U.S. 789, 792, 794, 796, 808 (2002)
- Arnold v. O'Malley, 106 F.4th 595, 601 (7th Cir. 2024)
- Sigsbee v. Kijakazi, 3:19-CV-913 (N.D. Ind. Mar. 29, 2022)
- Long v. Saul, No. 3:19-CV-155, 2021 WL 2588110, at *1 (N.D. Ind. June 24, 2021)
- Koester v. Astrue, 482 F. Supp. 2d 1078, 1083 (E.D. Wis. 2007)

OPINION

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA HAMMOND
DIVISION VENESSA M. BICKETT, Plaintiff, v. CAUSE NO.: 2:22-CV-20-TLS-JEM FRANK
BISIGNANO, Commissioner of the Social Security Administration, Defendant. OPINION AND
ORDER This matter is before the Court on the Plaintiff's Unopposed Motion for Approval of
Attorney Fees Pursuant to 42 U.S.C.A. Section 406(b) [ECF No. 21], filed on February 27, 2026.

The Commissioner neither supports nor opposes the motion. Mot. 4, ECF No. 21. For the reasons
stated below, the motion is GRANTED. BACKGROUND After the Plaintiff's applications for
disability insurance benefits and supplemental security income benefits were denied at the
administrative level, AR 6–11, 17–40, ECF No. 9, the Plaintiff filed a Complaint in this case, and
the Court reversed and remanded for further proceedings.

ECF Nos. 1, 16. On December 9, 2022, the Court awarded the Plaintiff's attorney EAJA fees in
the amount of \$7,056.87. ECF No. 20. Ultimately, the Social Security Administration awarded the
Plaintiff past-due benefits of \$90,658.00, twenty-five percent of which is \$22,664.50. See Notice
of Award 4, ECF No. 21-1.

The Plaintiff's attorney now requests an award of attorney fees under 42 U.S.C. § 406(b) in the
amount of \$15,464.50. Mot. 1, ECF No. 21. In the retainer agreement, the Plaintiff agreed to pay
counsel up to twenty-five percent of all past-due benefits for the work in federal court. See Fee
Agreement, ECF No. 21-2. Counsel represents that, if fees are awarded under § 406(b), counsel
will refund to the Plaintiff the \$7,056.87 in EAJA fees previously awarded.

See Mot. 2, ECF No. 21. ANALYSIS The Plaintiff's counsel, subject to refunding \$7,056.87 in
EAJA fees, requests \$15,464.50 in attorney's fees pursuant to 42 U.S.C § 406(b). The Social
Security Act allows for a reasonable fee to be awarded both for representation at the administrative
level, see 42 U.S.C. § 406(a), as well as representation before the Court, see id. § 406(b).

Culbertson v. Berryhill, 586 U.S. 53, 55 (2019) (quoting *Gisbrecht v. Barnhart*, 535 U.S. 789, 794 (2002)). Under § 406(b), the Court may award a reasonable fee to the attorney who has successfully represented the claimant in federal court, not to exceed twenty-five percent of the past-due benefits to which the social security claimant is entitled. 42 U.S.C. § 406(b)(1)(A); *Gisbrecht*, 535 U.S. at 792.

The reasonableness analysis considers the “character of the representation and the results the representative achieved.” *Gisbrecht*, 535 U.S. at 808. For this analysis, a district court must begin with the contingency award as its polestar and consider whether that amount should be reduced because it is unwarranted based on relevant factors, such as the claimant’s satisfaction with their attorney’s representation, the attorney’s expertise and efforts expended, whether the attorney engaged in any undue delay or overreaching, the uncertainty of recovery and risks of an adverse outcome, and how the effective hourly rate compares to others in the field and jurisdiction.

To be sure, this list is not meant to be exhaustive. Moreover, the inquiry is case-specific, and it will not produce the same results in every case. *Arnold v. O’Malley*, 106 F.4th 595, 601 (7th Cir. 2024) (cleaned up). An award of EAJA fees under 28 U.S.C. § 2412 offsets an award under § 406(b). *Gisbrecht*, 535 U.S. at 796.

In this case, the requested amount in attorney’s fees of \$15,464.50 is consistent with the contingency agreement, and counsel will refund the \$7,056.87 in EAJA fees to the Plaintiff. The proposed fee equals an effective hourly attorney rate of approximately \$497.25 for the total requested § 406(b) fee award of \$15,464.50. See ECF No. 21-3 (reflecting 31.1 attorney hours).

Such an hourly rate is reasonable given the contingent nature of this case. See, e.g., *Sigsbee v. Kijakazi*, 3:19-CV-913 (N.D. Ind. Mar. 29, 2022) (hourly rate of \$1,586.74); *Long v. Saul*, No. 3:19-CV-155, 2021 WL 2588110, *1 (N.D. Ind. June 24, 2021) (hourly rate of \$1,711.96); *Koester v. Astrue*, 482 F. Supp. 2d 1078, 1083 (E.D. Wis. 2007) (collecting cases showing that district courts have awarded attorney fees with hourly rates ranging from \$400 to \$1,500).

In addition, counsel obtained a great benefit for the Plaintiff in the past-due benefits award as well as future benefits. The Court discerns no basis to reduce the amount. See *Arnold*, 106 F.4th at 601. CONCLUSION For the reasons stated above, the Court hereby GRANTS the Plaintiff’s Unopposed Motion for Approval of Attorney Fees Pursuant to 42 U.S.C.A. Section 406(b) [ECF No. 21] and AWARDS attorney fees under 42 U.S.C. § 406(b) in the amount of \$15,464.50.

The Court ORDERS the Plaintiff’s attorney to refund to the Plaintiff the \$7,056.87 in EAJA fees previously awarded and received by counsel in this case. SO ORDERED on April 2, 2026. s/ Theresa L. Springmann JUDGE THERESA L. SPRINGMANN UNITED STATES DISTRICT COURT

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