

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Cliofas Alaniz v. Commissioner of Social Security

Alaniz · No. 1:21-cv-00114-BAM · Decided April 15, 2025

SUMMARY

The United States District Court for the Eastern District of California granted counsel’s motion for attorney’s fees under 42 U.S.C. § 406(b) following a sentence-four remand and subsequent award of Social Security benefits. The court approved \$21,539.95, representing 25 percent of the claimant’s past-due benefits, subject to an offset and refund of \$5,072.00 previously awarded under the Equal Access to Justice Act. The court found the requested fee reasonable in light of the contingent-fee agreement, results achieved, and counsel’s 23.8 hours of work.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Barbara A. McAuliffe
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	April 15, 2025
DOCKET	1:21-cv-00114-BAM
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff's counsel moved for authorization of attorney's fees under 42 U.S.C. § 406(b) after the court remanded the Social Security benefits case and Plaintiff received a favorable decision awarding past-due benefits.
STANDARD OF REVIEW	The court independently reviews a contingent-fee arrangement under 42 U.S.C. § 406(b) to ensure that it yields a reasonable result in the particular case, considering the character of the representation, the results achieved, substandard performance, dilatory conduct, and whether the fee is excessively large in relation to the benefits received.
PRECEDENTIAL VALUE	Unpublished, nonprecedential district court order

TOPICS

- administrative law
- judicial review of agency action
- remedies

PRACTICE AREAS

Social Security

administrative law

attorney fees

remedies

QUESTIONS PRESENTED

1. Whether counsel's requested attorney's fee of \$21,539.95, equal to 25 percent of Plaintiff's past-due Social Security benefits, was reasonable and should be authorized under 42 U.S.C. § 406(b).
2. Whether the § 406(b) award had to be offset by the prior \$5,072.00 EAJA fee award and refunded to Plaintiff.

HOLDINGS

1. The court authorized the requested \$21,539.95 fee because it did not exceed 25 percent of Plaintiff's past-due benefits and was reasonable in light of the contingent-fee agreement, the successful remand and benefits award, counsel's performance, the absence of significant delay or substandard conduct, and the benefits obtained.
2. The § 406(b) award must be offset by the prior \$5,072.00 EAJA award, and counsel must refund \$5,072.00 to Plaintiff.

KEY QUOTATIONS

"Whenever a court renders a judgment favorable to a claimant . . . who was represented before the court by an attorney, the court may determine and allow as part of its judgment a reasonable fee for such representation, not in excess of 25 percent of the total of the past-due benefits to which the claimant is entitled by reason of such judgment" (at 5)

"as an independent check, to assure that they yield reasonable results in particular cases." (at 8)

FACTUAL BACKGROUND

Plaintiff's counsel represented Plaintiff in a federal action challenging the denial of Social Security benefits and obtained a sentence-four remand. On remand, an administrative law judge awarded Plaintiff benefits, and the Commissioner calculated past-due benefits of \$86,159.80 and withheld \$21,539.95, or 25 percent, for representative fees. Counsel had a contingent-fee agreement for 25 percent of past-due benefits and reported spending 23.8 hours on the federal-court representation. Counsel had also received a \$5,072.00 EAJA award and agreed to refund that amount to Plaintiff.

PROCEDURAL HISTORY

Plaintiff filed the action challenging the denial of Social Security benefits on January 27, 2021. On January 6, 2022, the court granted the parties' stipulation and remanded the action for further proceedings under sentence four of 42 U.S.C. § 405(g), and judgment was entered for Plaintiff. The court subsequently approved an EAJA fee award of \$5,072.00. After remand, an administrative law judge awarded benefits, and the Commissioner withheld \$21,539.95, representing 25 percent of Plaintiff's past-due benefits, for representative fees. Plaintiff's counsel sought authorization of that amount under § 406(b), and the court granted the motion subject to an EAJA offset and ordered counsel to refund \$5,072.00 to Plaintiff.

DISPOSITION

other

CASES CITED

- *Gisbrecht v. Barnhart*, 535 U.S. 789, 794 (2002)
- *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002)
- *Gisbrecht v. Barnhart*, 535 U.S. 789, 807-08 (2002)
- *Jones v. Comm'r of Soc. Sec.*, No. 1:17-cv-00846-SAB, 2021 WL 84401, at *2 (E.D. Cal. Jan. 11, 2021)
- *Hearn v. Barnhart*, 262 F. Supp. 2d 1033, 1037 (N.D. Cal. 2003)
- *Crawford v. Astrue*, 586 F.3d 1142, 1151 (9th Cir. 2009) (en banc)
- *Garcia v. O'Malley*, No. 1:20-cv-01366-SKO, 2024 WL 1118782, at *3 (E.D. Cal. Mar. 14, 2024)

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