

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

Louise S. v. Commissioner of Social Security

Louise S. · No. 1:23-cv-01245-EAW · Decided April 16, 2026

SUMMARY

The United States District Court for the Western District of New York grants Plaintiff Louise S.’s motion for \$22,399.08 in attorneys’ fees under 42 U.S.C. § 406(b) following remand and a favorable Social Security benefits determination. The court finds the request timely and reasonable, and orders counsel to refund the previously awarded \$6,989.30 in EAJA fees to Plaintiff.

CASE DETAILS

COURT	United States District Court for the Western District of New York
WRITING FOR THE COURT	Elizabeth A. Wolford
JURISDICTION	United States District Court for the Western District of New York
DECIDED	April 16, 2026
DOCKET	1:23-cv-01245-EAW
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for attorneys' fees under 42 U.S.C. § 406(b) after the court remanded the Commissioner's decision and Plaintiff was awarded past-due benefits.
STANDARD OF REVIEW	The court independently reviewed the requested contingent fee for reasonableness under 42 U.S.C. § 406(b), notwithstanding the Commissioner's decision not to oppose the motion.
PRECEDENTIAL VALUE	unpublished
PARTIES	Louise S. v. Commissioner of Social Security

TOPICS

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

PRACTICE AREAS

- Social Security
- administrative law
- attorney fees
- civil procedure

QUESTIONS PRESENTED

1. Whether Plaintiff's motion for attorneys' fees under 42 U.S.C. § 406(b) was timely.
2. Whether the requested § 406(b) fee of \$22,399.08 was reasonable and within the statutory 25 percent cap.
3. Whether counsel was required to refund the previously awarded EAJA fees to Plaintiff.

HOLDINGS

1. A § 406(b) fee application must be filed within 14 days after notice of the benefits award, and Plaintiff's application filed 13 days after the Commissioner's November 5, 2025 notice was timely.
2. The requested fee of \$22,399.08 was reasonable and permissible because it did not exceed 25 percent of Plaintiff's \$89,596.33 in past-due benefits and did not constitute a windfall.
3. When counsel receives both EAJA and § 406(b) fee awards for the same representation, counsel must refund the smaller fee to the claimant; here, counsel must refund the previously received \$6,989.30 EAJA award.

KEY QUOTATIONS

“Within the 25 percent boundary, . . . the attorney for the successful claimant must show that the fee sought is reasonable for the services rendered.” (Discussion Part II)

“To the contrary, because section 406(b) requires an affirmative judicial finding that the fee allowed is ‘reasonable,’ the attorney bears the burden of persuasion that the statutory requirement has been satisfied.” (Discussion Part II)

FACTUAL BACKGROUND

Plaintiff challenged the Commissioner's final decision denying her application for supplemental security income. Following stipulated remand, the Commissioner awarded Plaintiff \$89,596.33 in past-due benefits. Plaintiff's counsel sought \$22,399.08, representing 25 percent of the past-due benefits, after having previously received \$6,989.30 under the EAJA.

PROCEDURAL HISTORY

Plaintiff filed an action seeking review of the Commissioner's denial of supplemental security income. The parties stipulated to remand, and the court reversed the Commissioner's decision and remanded for further proceedings. After the Commissioner reported an award of past-due benefits, Plaintiff timely moved for § 406(b) attorneys' fees. The court granted the motion and ordered counsel to refund the previously awarded EAJA fees to Plaintiff.

DISPOSITION

other

CASES CITED

- Sinkler v. Berryhill, 932 F.3d 83, 88-89 & n.5 (2d Cir. 2019)
- Gisbrecht v. Barnhart, 535 U.S. 789, 796, 807-08 & n.17 (2002)
- Mix v. Comm'r of Soc. Sec., No. 6:14-CV-06219 (MAT), 2017 WL 2222247, at *2 (W.D.N.Y. May 22, 2017)
- Wells v. Sullivan, 907 F.2d 367, 371-72 (2d Cir. 1990)
- Fields v. Kijakazi, 24 F.4th 845, 854-56 (2d Cir. 2022)
- Sue-Anne O. M. v. Kijakazi, No. 3:20-cv-00301, 2023 WL 3737712, at *2 (D. Conn. May 31, 2023)
- Jennifer W. v. Saul, 18-CV-493F, 2021 WL 1624288, at *3 (W.D.N.Y. Apr. 27, 2021)

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