

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Debra Grimsley v. Frank Bisignano, Commissioner of Social Security

Grimsley · No. 1:25-CV-110 · Decided March 27, 2026

SUMMARY

The United States District Court for the Middle District of Pennsylvania considers Debra Grimsley’s motion for attorney’s fees under 42 U.S.C. § 406(b) following a remand and favorable Social Security disability determination. The court finds that the requested \$15,422 fee would constitute a windfall and reduces the award to \$12,165, based on 13.85 hours of work at a de facto rate of \$900 per hour. The court also directs that Grimsley receive repayment of the previously awarded \$3,450 EAJA fee.

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Daryl F. Bloom
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	March 27, 2026
DOCKET	1:25-CV-110
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under 42 U.S.C. § 406(b) for approval of attorney's fees from her past-due Social Security benefits following a remand and favorable disability determination. The Commissioner took no position on the requested amount but requested an independent reasonableness review.
STANDARD OF REVIEW	The court independently reviewed the contingent-fee agreement and requested award for reasonableness under 42 U.S.C. § 406(b), considering the character and results of representation, any delay caused by counsel, and whether the award would constitute a windfall.
PRECEDENTIAL VALUE	Unknown
PARTIES	Debra Grimsley v. Frank Bisignano, Commissioner of Social Security

TOPICS

attorney fees

judicial review of agency action

administrative law

remedies

civil procedure

PRACTICE AREAS

Social Security

administrative law

attorney fees

civil procedure

QUESTIONS PRESENTED

1. Whether the requested contingent-fee award under 42 U.S.C. § 406(b) was reasonable.
2. Whether the requested award would constitute an improper windfall when measured against the time expended, counsel's customary rate, the results achieved, and the risks undertaken.
3. Whether Grimsley was entitled to repayment of the previously awarded EAJA fee after approval of the § 406(b) fee.

HOLDINGS

1. A fee award under § 406(b) may not exceed 25 percent of past-due benefits and is not automatically warranted at that maximum; the attorney must establish that the requested fee is reasonable for the services rendered.
2. A lodestar calculation may inform the court's assessment of reasonableness, but reducing a § 406(b) fee solely by beginning with or mechanically applying a lodestar analysis is not appropriate.
3. The requested \$15,422 fee would constitute an inappropriate windfall, but a fee of \$12,165, calculated at \$900 per hour for 13.85 hours, was reasonable in light of the representation, results, risk, fee agreement, and customary rates.
4. When an attorney receives fees under both the EAJA and § 406(b), the attorney must refund to the claimant the amount of the smaller fee.

KEY QUOTATIONS

“This language permits an award of up to 25 percent of the past due benefits but does not automatically entitle a practitioner to this amount.”

“the attorney for the successful claimant must show that the fee sought is reasonable for the services rendered.”

“Section 406(b) also calls for judicial review of contingent fee arrangements, which the Court described “as an independent check, to assure that [Section 406(b) motions] yield reasonable results in particular cases.””

“We conclude that an hourly rate of \$900.00 is an appropriate and sufficient award for counsel’s work in this case.”

“Fee awards may be made under both [the EAJA and Section 406(b)], but the claimant’s attorney must refund to the claimant the amount of the smaller fee”

FACTUAL BACKGROUND

Grimsley retained counsel to challenge the denial of her Social Security benefits. Counsel filed a brief, after which the Commissioner agreed to remand; on remand, an administrative law judge found Grimsley disabled and the agency awarded \$61,688 in past-due benefits plus \$1,015 per month in ongoing benefits. Counsel

documented 13.85 hours of work and sought 25 percent of the past-due benefits, or \$15,422, which would have produced a de facto hourly rate of \$1,113.50.

PROCEDURAL HISTORY

Grimsley appealed the denial of Social Security benefits. After she filed her supporting brief, the Commissioner moved to remand, and the court remanded the matter to the Social Security Administration on May 8, 2025. On remand, an administrative law judge found Grimsley disabled and the Social Security Administration issued a notice of award. Grimsley then sought approval of a contingent-fee award of \$15,422 under § 406(b); the court reduced the award to \$12,165.

DISPOSITION

other

CASES CITED

- 535 U.S. 789 (2002)
- 586 F.3d 1142 (9th Cir. 2009) (en banc)
- 764 F. Supp. 2d 697, 699 (M.D. Pa. 2011)
- 923 F.2d 418, 422 (6th Cir. 1990)
- 2018 WL 4616735, at *4 (N.D. Cal. Sept. 24, 2018)
- 2025 WL 4661049, at *3 (M.D. Pa. June 5, 2025)
- 586 F.2d 1142, 1145-46 (9th Cir. 2009)
- 2007 WL 1498115, at *2 (M.D. Fla. May 14, 2007)
- 269 F. Supp. 2d 829, 832 (S.D. W. Va. 2003)