

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
FLORIDA, TAMPA DIVISION

**Gwendolyn Bostick v. Frank Bisignano, Commissioner of Social
Security**

Bostick · No. 8:23-cv-02239-AAS · Decided January 30, 2026

SUMMARY

The United States District Court for the Middle District of Florida granted counsel’s motion for attorney’s fees under 42 U.S.C. § 406(b) following a remand and favorable disability determination for Gwendolyn Bostick. The court awarded \$20,924.50 and ordered counsel to refund the \$3,180.06 previously awarded under the Equal Access to Justice Act.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Tampa Division
WRITING FOR THE COURT	Amanda Arnold Sansone
JURISDICTION	United States District Court for the Middle District of Florida, Tampa Division
DECIDED	January 30, 2026
DOCKET	8:23-cv-02239-AAS
DISPOSITION	other
PROCEDURAL POSTURE	After the court remanded an unfavorable Social Security disability determination and the Commissioner found Bostick disabled on remand, Bostick's counsel moved for an award of attorney's fees under 42 U.S.C. § 406(b).
PRECEDENTIAL VALUE	Unknown

TOPICS

attorney fees judicial review of agency action administrative law civil procedure

PRACTICE AREAS

Social Security administrative law attorney fees civil procedure

QUESTIONS PRESENTED

1. Whether counsel should receive \$20,924.50 in attorney's fees under 42 U.S.C. § 406(b) after Bostick obtained a favorable judgment and past-due benefits.
2. Whether counsel must refund the smaller fee previously awarded under the Equal Access to Justice Act upon receiving the § 406(b) award.

HOLDINGS

1. The court granted counsel's motion and awarded \$20,924.50 in attorney's fees under § 406(b), representing the amount withheld from Bostick's past-due benefits.
2. Counsel must refund the \$3,180.06 awarded under the EAJA after receiving the § 406(b) fee award.

KEY QUOTATIONS

“Under Section 406(b), when a court enters judgment favorable to a Social Security claimant represented by counsel, the court may award attorney’s fees not to exceed 25% of the claimant’s total past-due benefits.”

“When an attorney receives attorney’s fees under the EAJA and Section 406(b), the attorney must refund the smaller fee.”

FACTUAL BACKGROUND

Bostick filed for a period of disability and Supplemental Security Income, alleging disability beginning July 5, 2020. The Social Security Administration denied her claim, and an ALJ later issued an unfavorable decision that the Appeals Council declined to review. After this court remanded the decision, the Commissioner found Bostick disabled and awarded past-due benefits, withholding \$20,924.50 for attorney's fees.

PROCEDURAL HISTORY

Bostick applied for disability and Supplemental Security Income benefits, but the application was denied initially and on reconsideration. Following an administrative hearing, an ALJ found her not disabled, and the Appeals Council denied review. Bostick sought judicial review in the Middle District of Florida, which remanded the ALJ's decision and entered judgment in her favor. After a favorable decision on remand, counsel moved for \$20,924.50 in fees under § 406(b); the court granted the motion and required a refund of the \$3,180.06 previously awarded under the EAJA.

DISPOSITION

other

CASES CITED

- Terry v. Astrue, 753 F. Supp. 2d 1229 (M.D. Fla. 2010)
- Black v. Culbertson, 470 F. App'x 737, 739 (11th Cir. 2012)

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