

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO

Monica T. v. Commissioner of the Social Security Administration

Monica T. · No. 1:22-cv-00277 · Decided November 25, 2025

SUMMARY

The United States District Court for the Southern District of Ohio grants Plaintiff’s counsel \$17,000 in attorney’s fees under 42 U.S.C. § 406(b)(1) following a successful Social Security appeal and remand. The court finds the requested contingency fee reasonable and orders counsel to refund the prior \$4,290 EAJA award to the plaintiff.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio
WRITING FOR THE COURT	Caroline H. Gentry
JURISDICTION	United States District Court for the Southern District of Ohio
DECIDED	November 25, 2025
DOCKET	1:22-cv-00277
DISPOSITION	other
PROCEDURAL POSTURE	After the Commissioner stipulated to a Sentence Four remand in a Social Security appeal and the claimant obtained benefits on remand, the claimant's attorney moved for an award of \$17,000 in fees under 42 U.S.C. § 406(b)(1).
STANDARD OF REVIEW	The court independently reviewed the contingency-fee arrangement and assessed whether the requested fee was reasonable under <i>Gisbrecht</i> and Sixth Circuit precedent. A 25% contingency fee is treated as a rebuttable presumption rather than automatically awarded.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court decision
PARTIES	Monica T. v. Commissioner of the Social Security Administration

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff's counsel was entitled to a \$17,000 attorney-fee award under 42 U.S.C. § 406(b)(1).
2. Whether the requested contingent fee was reasonable in light of the 25% statutory ceiling, counsel's documented hours, effective hourly rate, customary rate, case results, complexity, and risk.
3. Whether counsel was required to refund the previously awarded EAJA fees to Plaintiff after receiving a § 406(b)(1) fee award.

HOLDINGS

1. The Court held that Plaintiff's counsel was entitled to a \$17,000 fee award under 42 U.S.C. § 406(b)(1) because the requested amount was reasonable and did not exceed the statutory 25% ceiling.
2. Counsel must refund the prior \$4,290 EAJA fee award to Plaintiff after receiving the § 406(b)(1) fee award.

KEY QUOTATIONS

“Therefore, a request for a contingency fee award in the amount of 25% of past-due benefits “is not to be viewed as per se reasonable,” but instead shall be given “the weight ordinarily accorded a rebuttable presumption.”” (Section II)

“Notably, “a high effective hourly rate cannot on its own justify reducing a fee award—district courts must provide additional reasoning.”” (Section II)

“Thus, the rule in the Sixth Circuit is that “[a] hypothetical hourly rate that is less than twice the standard rate is per se reasonable, and a hypothetical hourly rate that is equal to or greater than twice the standard rate may well be reasonable.”” (Section II)

FACTUAL BACKGROUND

Plaintiff's counsel represented her in a federal Social Security appeal, filed a Statement of Specific Errors raising two issues, and obtained a Sentence Four remand after the Commissioner stipulated to further proceedings. On remand, Plaintiff was awarded past-due benefits and notified that she would receive \$70,332.28, although it was unclear whether 25% had been withheld for attorney fees. Counsel documented 22 hours of federal-court work, a standard hourly rate of \$350 for Social Security cases, and requested a \$17,000 contingent fee, approximately 24% of the stated past-due benefits.

PROCEDURAL HISTORY

Plaintiff filed a Statement of Specific Errors raising two issues in her Social Security appeal. The Commissioner stipulated to remand for further proceedings under Sentence Four of 42 U.S.C. § 405(g), and the Court previously awarded plaintiff's counsel \$4,290 in EAJA fees and \$402 in costs. On remand, the Commissioner awarded past-due benefits, after which counsel sought \$17,000 in contingent fees under § 406(b)(1). The Court

granted the fee motion, overruled as moot a motion to expedite, ordered counsel to refund the EAJA fee award to Plaintiff, and directed the Commissioner to release any remaining withheld funds.

DISPOSITION

other

REMAND INSTRUCTIONS

The Commissioner was directed either to remit the \$17,000 fee to counsel if a percentage of past-due benefits had been withheld, or to employ the procedural remedy provided by agency policy to assist counsel in obtaining the fee. Counsel was ordered to remit the prior \$4,290 EAJA award to Plaintiff within 14 days of receiving the § 406(b)(1) award, and the Commissioner was directed to release any remaining withheld funds to Plaintiff.

CASES CITED

- Horenstein v. Secretary of HHS, 35 F.3d 261, 262 (6th Cir. 1994) (en banc)
- Gisbrecht v. Barnhart, 535 U.S. 789, 800, 807-08 (2002)
- Rodriquez v. Brown, 865 F.2d 739, 746-47 (6th Cir. 1989)
- Hayes v. Secretary of HHS, 923 F.2d 418, 422 (6th Cir. 1990)
- Joseph J. Royzer v. Secretary of Health and Human Services, Royzer v. Secretary of HHS, 900 F.2d 981, 981-82 (6th Cir. 1990)
- Tucker v. Comm'r of Soc. Sec., 136 F.4th 639, 644-45, 648 (6th Cir. 2025)
- Jankovich v. Bowen, 868 F.2d 867, 871 n.1 (6th Cir. 1989)
- Twyla D. v. Comm'r of Soc. Sec., No. 3:19-cv-368, 2025 U.S. Dist. LEXIS 40825, at *4 (S.D. Ohio Mar. 6, 2025)
- Jay V.N.I. v. Comm'r of Soc. Sec., No. 3:20-cv-365, 2024 U.S. Dist. LEXIS 98031, at *4 (S.D. Ohio June 3, 2024)
- Martha G. v. Comm'r of Soc. Sec., No. 1:19-cv-936, 2023 U.S. Dist. LEXIS 63838, at *6-7 (S.D. Ohio Apr. 11, 2023), report and recommendation adopted by 2023 U.S. Dist. LEXIS 77738 (S.D. Ohio May 3, 2023)
- Spiller v. Comm'r of Soc. Sec., 940 F. Supp. 2d 647, 652 (S.D. Ohio 2013)

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