

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

Nikolaos Sinopoulos Jr. v. Kilolo Kijakazi, Acting Commissioner of the Social Security Administration

Sinopoulos Jr. v. Kijakazi · No. 23-CV-2910 (PK) · Decided January 13, 2026

SUMMARY

The Eastern District of New York granted counsel’s motion for attorneys’ fees under 42 U.S.C. § 406(b) in a Social Security disability case. The court awarded \$32,856.50 based on 36.90 hours of work and ordered counsel to refund \$8,963.75 in previously awarded EAJA fees to the plaintiff. The court also directed that Frank Bisignano be substituted for Kilolo Kijakazi as the named defendant.

CASE DETAILS

COURT	United States District Court for the Eastern District of New York
WRITING FOR THE COURT	Peggy Kuo
JURISDICTION	United States District Court, Eastern District of New York
DECIDED	January 13, 2026
DOCKET	23-CV-2910 (PK)
DISPOSITION	other
PROCEDURAL POSTURE	After the parties stipulated to reversal of the Commissioner's denial of Social Security disability benefits and remand for further proceedings, the court awarded counsel EAJA fees. Following a fully favorable decision on remand and an award of past-due benefits, counsel moved under 42 U.S.C. § 406(b) for approval of contingent attorneys' fees.
STANDARD OF REVIEW	The court reviewed the requested § 406(b) fee for reasonableness, including the character and results of the representation, counsel's responsibility for delay, fraud or overreaching in the contingency agreement, and whether the fee would constitute a windfall.
PRECEDENTIAL VALUE	Unknown
PARTIES	Nikolaos Sinopoulos Jr. v. Kilolo Kijakazi, Acting Commissioner of the Social Security Administration

TOPICS

attorney fees

judicial review of agency action

administrative law

remedies

civil procedure

PRACTICE AREAS

Social Security

administrative law

attorneys' fees

civil procedure

QUESTIONS PRESENTED

1. Whether counsel's motion for attorneys' fees under 42 U.S.C. § 406(b) was timely.
2. Whether an award of \$32,856.50, representing 25 percent of Plaintiff's past-due benefits for 36.90 hours of work, was reasonable and did not constitute a windfall.
3. Whether counsel was required to refund the previously awarded EAJA fees to Plaintiff after receiving the § 406(b) award.

HOLDINGS

1. A request for attorneys' fees under § 406(b) must be filed within fourteen days of the claimant's notice of benefits calculation; counsel's motion, filed ten days after receiving the notice, was timely.
2. The requested \$32,856.50 fee was reasonable under § 406(b) and did not constitute a windfall.
3. After receiving the § 406(b) award, counsel must refund the previously awarded EAJA fees of \$8,963.75 directly 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.” (Section II)

“but the claimant’s attorney must ‘refun[d] to the claimant the amount of the smaller fee.’” (Section IV)

FACTUAL BACKGROUND

Plaintiff's child disability benefits were terminated when he turned eighteen, and his claim based on mental disabilities was repeatedly denied through administrative proceedings. After Plaintiff retained counsel and filed a federal action, the parties stipulated to reversal and remand. On remand, Plaintiff received a fully favorable disability determination and \$131,426 in past-due benefits, from which \$32,856.50 was withheld for potential attorneys' fees.

PROCEDURAL HISTORY

The Social Security Administration terminated Plaintiff's child disability benefits after he turned eighteen. Following administrative hearings, adverse ALJ decisions, Appeals Council proceedings, and an Appeals Council remand, Plaintiff filed this action under 42 U.S.C. § 405(g). The parties stipulated to reversal and remand, and judgment was entered on January 12, 2024. On remand, the SSA issued a fully favorable decision

and awarded \$131,426 in past-due benefits. Counsel then sought \$32,856.50 in fees under § 406(b), which the court granted, subject to refunding the previously awarded \$8,963.75 EAJA fee to Plaintiff.

DISPOSITION

other

CASES CITED

- Munoz v. Comm'r of Soc. Sec., No. 20-CV-2496 (KAM), 2023 WL 5310742, at *1 (E.D.N.Y. Aug. 17, 2023)
- Fields v. Kijakazi, 24 F.4th 845, 853-56 (2d Cir. 2022)
- Sinkler v. Berryhill, 932 F.3d 83, 89 (2d Cir. 2019)
- Gray v. Comm'r of Soc. Sec., No. 20-CV-3916 (PKC), 2023 WL 3948796, at *3-*4 (E.D.N.Y. June 12, 2023)
- Schweizer v. Mulvehill, 93 F. Supp. 2d 376, 403-04 (S.D.N.Y. Mar. 31, 2000)
- Gabriel v. Comm'r of Soc. Sec. Admin., No. 20-CV-3089 (WFK)(PK), 2024 WL 5416754, at *3-*5 (E.D.N.Y. Oct. 24, 2024), R&R adopted, 2025 WL 552553 (E.D.N.Y. Feb. 19, 2025)
- Rivera Hernandez v. Comm'r, Soc. Sec. Admin., No. 19-CV-4025 (PAE)(KHP), 2020 WL 2765866, at *3 (S.D.N.Y. May 28, 2020)
- Duncan v. Comm'r of Soc. Sec., No. 20-CV-6218 (FB), 2024 WL 3594667, at *1 (E.D.N.Y. July 31, 2024)
- Baron v. Astrue, 311 F. Supp. 3d 633, 637-38 (S.D.N.Y. 2018)
- Hughes v. Saul, No. 20-CV-1609 (FB), 2022 WL 2161191, at *1 (E.D.N.Y. June 15, 2022)
- Fortier v. Comm'r of Soc. Sec., No. 17-CV-1969 (KMK)(AEK), 2024 WL 4264865, at *5 (S.D.N.Y. Aug. 13, 2024)
- Gisbrecht v. Barnhart, 535 U.S. 789, 796 (2002)