

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, WESTERN DIVISION (DAYTON)

Jason Mills v. Commissioner of the Social Security Administration

Mills · No. 3:19-cv-00090 · Decided November 25, 2025

SUMMARY

The United States District Court for the Southern District of Ohio grants Jason Mills's motion for attorney fees under 42 U.S.C. § 406(b)(1) following a sentence-four remand and subsequent award of Social Security benefits. The court awards counsel \$17,604.00 from withheld past-due benefits and directs counsel to refund the prior \$3,750.00 EAJA award to the plaintiff. The court also orders release of the remaining withheld funds to the plaintiff and his dependents.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Western Division (Dayton)
WRITING FOR THE COURT	Caroline H. Gentry
JURISDICTION	United States District Court for the Southern District of Ohio, Western Division (Dayton)
DECIDED	November 25, 2025
DOCKET	3:19-cv-00090
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for an award of attorney fees under 42 U.S.C. § 406(b) (1) after obtaining benefits on remand from a prior Social Security appeal. The Commissioner did not support or oppose the motion.
STANDARD OF REVIEW	The court independently reviewed the contingency-fee agreement and the requested fee to determine whether the award was reasonable for the services rendered, considering the agreement, effective hourly rates, the work performed, the results achieved, case complexity, counsel's skill and experience, and the risk of contingent representation.
PRECEDENTIAL VALUE	Nonprecedential district court decision
PARTIES	Jason Mills v. Commissioner of the Social Security Administration

TOPICS

attorney fees

administrative law

judicial review of agency action

remedies

civil procedure

PRACTICE AREAS

Social Security

administrative law

attorney fees

QUESTIONS PRESENTED

1. Whether the requested \$17,604 attorney-fee award under 42 U.S.C. § 406(b)(1) was reasonable.
2. Whether the court could subtract the prior EAJA fee award from the requested § 406(b)(1) fee when calculating the hypothetical hourly rates.
3. Whether counsel was required to refund the prior EAJA award to plaintiff after receiving the § 406(b)(1) award.

HOLDINGS

1. A contingency-fee agreement providing for up to 25 percent of past-due benefits is subject to independent judicial review, and the court may award only a fee that is reasonable for the services rendered. The requested \$17,604 fee was reasonable under the circumstances.
2. When a § 406(b)(1) fee application includes compensable paralegal work, the court may separately assess the attorney and paralegal hypothetical hourly rates and calculate the paralegal rate at one-half of the attorney rate.
3. The court may not offset a prior EAJA fee award against the requested § 406(b)(1) fee for purposes of assessing the reasonableness of the § 406(b)(1) request.
4. After receiving the § 406(b)(1) award, counsel must refund the prior \$3,750 EAJA award to plaintiff.

KEY QUOTATIONS

“the Social Security Act “does not displace contingen[cy]-fee agreements” but “calls for court review of such arrangements as an independent check, to assure that they yield reasonable results in particular cases.””
(Section II)

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

“The hourly rate in the next contingent fee case will be zero, unless benefits are awarded.” (Section II)

“Plaintiff’s counsel shall REMIT to Plaintiff, within fourteen (14) days of his receipt of this attorney’s fee award, the prior EAJA award of \$3,750.00.” (Section IV)

FACTUAL BACKGROUND

Plaintiff's counsel represented him in a Social Security appeal, obtained reversal of the ALJ's nondisability determination, and secured a sentence-four remand. On remand, the Commissioner awarded benefits to plaintiff and his dependents and withheld a total of \$51,196, representing 25 percent of the past-due benefits. Counsel

requested \$17,604 for 16.25 attorney hours and 9.45 paralegal hours, while acknowledging that the prior \$3,750 EAJA award had to be refunded to plaintiff.

PROCEDURAL HISTORY

The Court previously reversed the Administrative Law Judge's nondisability determination and remanded under sentence four of 42 U.S.C. § 405(g). The Court also awarded plaintiff's counsel \$3,750 in Equal Access to Justice Act fees. On remand, the Commissioner awarded benefits to plaintiff and his dependents and withheld 25 percent of their past-due benefits for possible attorney fees. Plaintiff sought \$17,604 under § 406(b)(1), and the Court granted the motion, directing counsel to refund the prior EAJA award to plaintiff.

DISPOSITION

other

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. Commissioner of Social Security, 136 F.4th 639, 644-45, 648 (6th Cir. 2025)
- Jankovich v. Bowen, 868 F.2d 867, 871 n.1 (6th Cir. 1989)
- Astrue v. Ratliff, 560 U.S. 586, 596 n.4 (2010)
- O'Donnell v. Saul, 983 F.3d 950, 953 (7th Cir. 2020)
- Parrish v. Commissioner of Social Security, 698 F.3d 1215, 1218, 1221 (9th Cir. 2012)
- Jackson v. Commissioner of Social Security, 601 F.3d 1268, 1269 (11th Cir. 2010)
- Amanda G. v. Commissioner of Social Security, No. 1:20-cv-987, 2024 U.S. Dist. LEXIS 141479, at *6-*8 (S.D. Ohio Aug. 8, 2024)
- Ringel v. Commissioner of Social Security, 295 F. Supp. 3d 816, 819, 840 (S.D. Ohio 2018)
- Spiller v. Commissioner of Social Security, 940 F. Supp. 2d 647, 652 (S.D. Ohio 2013)
- Twyla D. v. Commissioner of Social Security, No. 3:19-cv-368, 2025 U.S. Dist. LEXIS 40825, at *3-*4 (S.D. Ohio Mar. 6, 2025)
- Jay V.N.I. v. Commissioner of Social Security, No. 3:20-cv-365, 2024 U.S. Dist. LEXIS 98031, at *4 (S.D. Ohio June 3, 2024)
- Martha G. v. Commissioner of Social Security, No. 1:19-cv-936, 2023 U.S. Dist. LEXIS 63838, at *6-*7 (S.D. Ohio Apr. 11, 2023)
- Samantha K. v. Commissioner of Social Security, No. 3:23-cv-268, 2025 U.S. Dist. LEXIS 194333 (S.D. Ohio Sept. 25, 2025)

- Nicola C.B. v. Commissioner of Social Security, No. 3:21-cv-55 (S.D. Ohio Feb. 4, 2025)
- Andrea B.T. v. Commissioner of Social Security, No. 3:21-cv-307, 2024 U.S. Dist. LEXIS 98033 (S.D. Ohio June 3, 2024)

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