

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
ILLINOIS, PEORIA DIVISION

Elizabeth A. D. v. Frank Bisignano, Commissioner of Social Security

Elizabeth A. D. · No. 1:23-cv-01235-RLH · Decided January 21, 2026

SUMMARY

The United States District Court for the Central District of Illinois granted Plaintiff’s motion for attorney’s fees under 42 U.S.C. § 406(b) following a favorable Social Security disability determination and an award of \$142,952.00 in past-due benefits. The court approved fees of \$35,738.00, representing 25% of the past-due benefits, and ordered counsel to refund \$13,869.79 in previously received EAJA fees.

CASE DETAILS

COURT	United States District Court for the Central District of Illinois, Peoria Division
WRITING FOR THE COURT	Ronald L. Hanna
JURISDICTION	United States District Court for the Central District of Illinois, Peoria Division
DECIDED	January 21, 2026
DOCKET	1:23-cv-01235-RLH
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for attorney's fees under 42 U.S.C. § 406(b) after obtaining a favorable Social Security disability-benefits determination following multiple remands.
STANDARD OF REVIEW	The court independently reviewed the fee request to determine whether it complied with the statutory maximum and was reasonable under the circumstances.
PRECEDENTIAL VALUE	Unknown

TOPICS

- remedies
- judicial review of agency action
- administrative law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff's counsel's requested fee of \$35,738.00 under 42 U.S.C. § 406(b) was within the statutory maximum and reasonable.
2. Whether counsel was required to refund the previously awarded EAJA fees.

HOLDINGS

1. The requested \$35,738.00 fee was permissible because it equaled, but did not exceed, 25 percent of Plaintiff's past-due benefits, and it was reasonable under the circumstances.
2. Counsel was required to refund the \$13,869.79 in EAJA fees previously received because § 406(b) prevents recovery exceeding 25 percent of past-due benefits and requires the attorney to refund the EAJA amount.

KEY QUOTATIONS

“In reviewing § 406(b) fee requests, courts must perform an “independent check” to ensure that the request is within the statutory maximum and reasonable.”

“A court must therefore begin its analysis “with the contingency award as its polestar and consider whether that amount should be reduced””

FACTUAL BACKGROUND

Plaintiff began receiving disability benefits in 2003, but the Social Security Administration revoked them in 2011. Following multiple administrative proceedings and three district-court remands, an administrative law judge found Plaintiff disabled and awarded \$142,952.00 in past-due benefits. Plaintiff's counsel sought 25 percent of those benefits, or \$35,738.00, after previously receiving EAJA awards.

PROCEDURAL HISTORY

Plaintiff's disability benefits were revoked in 2011. After administrative challenges and three remands from the district court, an administrative law judge found Plaintiff disabled and awarded \$142,952.00 in past-due benefits. The court previously awarded \$3,869.79 in EAJA fees, and Plaintiff then sought \$35,738.00 in fees under § 406(b).

DISPOSITION

other

CASES CITED

- Arnold v. O'Malley, 106 F.4th 595, 601 (7th Cir. 2024)
- Gisbrecht v. Barnhart, 535 U.S. 789, 796, 807-08 (2002)

- Strong v. O'Malley, No. 4:21-cv-54, 2024 WL 3935530, at *2 (N.D. Ind. Aug. 23, 2024)
- Plummer v. O'Malley, No. 1:23-cv-85, 2024 WL 4880436, at *2 (N.D. Ind. Nov. 22, 2024)
- Wattles v. Comm'r of Soc. Sec., No. 2:10-cv-2108, 2012 WL 169967, at *1 (C.D. Ill. Jan. 18, 2012)
- Polli v. Berryhill, No. 17-cv-1102, 2019 WL 10248978 (N.D. Ill. Feb. 27, 2019)
- Summer v. Kijakazi, 2:20-cv-483 (N.D. Ind. July 18, 2023)
- Narug v. Comm'r of Soc. Sec., No. 2:19-cv-490, 2022 WL 3714743 (N.D. Ind. Aug. 29, 2022)
- Loar v. Saul, No. 3:18-cv-775-TLS, 2020 WL 3302990, at *1 (N.D. Ind. June 18, 2020)

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