

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
INDIANA, FORT WAYNE DIVISION

Brandon A. Garnett v. Frank Bisignano, Commissioner of the Social
Security Administration

Garnett · No. 1:23-CV-402-TLS · Decided December 3, 2025

SUMMARY

The United States District Court for the Northern District of Indiana grants the Commissioner’s motion to lift the stay and grants the plaintiff’s supplemental motion for attorney fees under 42 U.S.C. § 406(b). The court awards \$15,000 in supplemental fees based on dependent benefits, finding the amount consistent with the contingency agreement and reasonable under the circumstances. The award is analyzed alongside the prior § 406(b) and EAJA fee awards.

CASE DETAILS

COURT	United States District Court for the Northern District of Indiana, Fort Wayne Division
WRITING FOR THE COURT	Theresa L. Springmann
JURISDICTION	United States District Court for the Northern District of Indiana, Fort Wayne Division
DECIDED	December 3, 2025
DOCKET	1:23-CV-402-TLS
DISPOSITION	other
PROCEDURAL POSTURE	The plaintiff's attorney moved for supplemental authorization of attorney fees under 42 U.S.C. § 406(b) after the court had reversed and remanded the Commissioner's unfavorable disability-benefits decision and the Social Security Administration awarded past-due benefits to the plaintiff and his dependent children. The Commissioner did not oppose the motion. The court also considered and granted the Commissioner's motion to lift the stay.
STANDARD OF REVIEW	Reasonableness review of an attorney-fee request under 42 U.S.C. § 406(b), considering the character of the representation, the results achieved, the contingency agreement, the attorney's efforts and expertise, any undue delay or overreaching, the uncertainty and risk of recovery, client satisfaction, and the effective hourly rate.

PRECEDENTIAL VALUE	unpublished
PARTIES	Brandon A. Garnett v. Frank Bisignano, Commissioner of the Social Security Administration

TOPICS

attorney fees administrative law remedies civil procedure

PRACTICE AREAS

Social Security attorney fees administrative law civil procedure

QUESTIONS PRESENTED

1. Whether counsel should receive a supplemental attorney-fee award of \$15,000 under 42 U.S.C. § 406(b).
2. Whether the requested fee was reasonable and did not exceed the statutory 25-percent cap on past-due benefits.
3. Whether the stay of proceedings should be lifted.

HOLDINGS

1. A court may award a reasonable fee to an attorney who successfully represented a Social Security claimant in federal court, subject to the statutory limit that the fee may not exceed 25 percent of the claimant's past-due benefits. The court granted counsel's supplemental request for \$15,000.
2. An award of attorney fees under the Equal Access to Justice Act offsets an award under 42 U.S.C. § 406(b).

KEY QUOTATIONS

“Under § 406(b), the Court may award a reasonable fee to the attorney who has successfully represented the claimant in federal court, not to exceed twenty-five percent of the past-due benefits to which the social security claimant is entitled.”

“For this analysis, a district court must begin with the contingency award as its polestar and consider whether that amount should be reduced because it is unwarranted based on relevant factors”

FACTUAL BACKGROUND

Plaintiff's counsel successfully represented Garnett in federal-court judicial review of an unfavorable disability-insurance-benefits decision. After remand, the Social Security Administration awarded Garnett \$127,838 in past-due benefits and his three children \$69,934 in dependent benefits. Counsel sought an additional \$15,000 under § 406(b), which, when combined with the prior § 406(b) award, would result in total federal-court fees of \$46,959.50 for 59.9 hours of work.

PROCEDURAL HISTORY

The court previously reversed and remanded the Commissioner's decision for further proceedings and awarded attorney fees under the Equal Access to Justice Act. On remand, the Social Security Administration awarded the plaintiff \$127,838 in past-due benefits and his three children \$69,934 in dependent benefits. The court had previously awarded \$31,959.50 in § 406(b) fees, offset by prior EAJA awards, and in this order granted an additional \$15,000 supplemental fee.

DISPOSITION

other

CASES CITED

- Culbertson v. Berryhill, 586 U.S. 53, 55 (2019)
- Gisbrecht v. Barnhart, 535 U.S. 789, 792, 794, 796, 808 (2002)
- Arnold v. O'Malley, 106 F.4th 595, 601 (7th Cir. 2024)
- Long v. Saul, No. 3:19-CV-155, 2021 WL 2588110, at *1 (N.D. Ind. June 24, 2021)
- Niebuhr v. Saul, No. 18-CV-720, 2020 WL 6484488, at *1 (W.D. Wis. Nov. 4, 2020)
- Koester v. Astrue, 482 F. Supp. 2d 1078, 1083 (E.D. Wis. 2007)

OPINION

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA FORT WAYNE DIVISION BRANDON A. GARNETT, Plaintiff, v. CAUSE NO.: 1:23-CV-402-TLS FRANK BISIGNANO, Commissioner of the Social Security Administration, Defendant. OPINION AND ORDER This matter is before the Court on a Motion to Lift Stay [ECF No. 26], filed by the Commissioner on November 17, 2025, which the Court hereby GRANTS.

This matter is also before the Court on a Supplemental Motion for Authorization of Attorney Fees Pursuant to 42 U.S.C. Section 406(b) [ECF No. 22], filed on November 5, 2025. The Commissioner neither supports nor opposed the motion. ECF No. 27.

For the reasons stated below, the fees motion is GRANTED. BACKGROUND The Plaintiff's attorney represented the Plaintiff before this Court in a judicial review of the Commissioner's unfavorable decision on the Plaintiff's application for disability insurance benefits.

The Court reversed and remanded for further proceedings, ECF No. 9, and awarded attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, ECF No. 14. On remand, the Social Security Administration issued a Notice of Award entitling the Plaintiff to past-due benefits of \$127,838.00, twenty-five percent of which was \$31,959.50. See ECF No. 15-1, p. 6 of 19.

The Court granted the Plaintiff's attorney an award of attorney fees under 42 U.S.C. § 406(b) in the amount of \$31,959.50 with a net award of \$27,609.30 offset by the total prior EAJA fee awards of \$4,350.20. ECF No. 21.

On July 7 and 14, 2025, the Social Security Administration issued Notices of Award for dependent benefits to the Plaintiff's three children in the amount of \$69,934.00 based upon the Plaintiff's earnings records. ECF No. 22-1, pp. 12–26 of 37.

The Plaintiff's attorney now seeks payment of a supplemental fee under 42 U.S.C. § 406(b) in the amount of \$15,000, which is less than twenty-five percent of the past-due dependent benefits awarded. ANALYSIS The Social Security Act allows for a reasonable fee to be awarded both for representation at the administrative level, see 42 U.S.C. § 406(a), as well as representation before the Court, see *id.* § 406(b).

Culbertson v. Berryhill, 586 U.S. 53, 55 (2019) (quoting *Gisbrecht v. Barnhart*, 535 U.S. 789, 794 (2002)). Under § 406(b), the Court may award a reasonable fee to the attorney who has successfully represented the claimant in federal court, not to exceed twenty-five percent of the past-due benefits to which the social security claimant is entitled. 42 U.S.C. § 406(b)(1)(A); *Gisbrecht*, 535 U.S. at 792.

The reasonableness analysis considers the “character of the representation and the results the representative achieved.” *Gisbrecht*, 535 U.S. at 808. For this analysis, a district court must begin with the contingency award as its polestar and consider whether that amount should be reduced because it is unwarranted based on relevant factors, such as the claimant's satisfaction with their attorney's representation, the attorney's expertise and efforts expended, whether the attorney engaged in any undue delay or overreaching, the uncertainty of recovery and risks of an adverse outcome, and how the effective hourly rate compares to others in the field and jurisdiction.

To be sure, this list is not meant to be exhaustive. Moreover, the inquiry is case-specific, and it will not produce the same results in every case. *Arnold v. O'Malley*, 106 F.4th 595, 601 (7th Cir. 2024) (cleaned up). An award of EAJA fees under 28 U.S.C. § 2412 offsets an award under § 406(b). *Gisbrecht*, 535 U.S. at 796.

Here, the combined benefits to the Plaintiff and his children total \$197,772.00. The requested amount in attorney's fees is consistent with the contingency agreement. The total gross fee paid to the Plaintiff's attorney for the work performed at the federal court level would be \$46,959.50 when combining the sum of the fee previously awarded of \$31,959.50 and the fee requested in the instant motion of \$15,000.00.

Counsel represents that 59.9 attorney hours were spent in federal court on this case, resulting in an effective hourly rate of \$783.96. See Pl. Mot. 7, ECF No. 23. This hourly rate is reasonable given the contingent nature of this case, the favorable past-due benefit award, and the benefit the Plaintiff will receive in future payments. See *Long v. Saul*, No. 3:19-CV-155, 2021 WL 2588110, at *1 (N.D.

Ind. June 24, 2021) (noting that an hourly rate of \$1,711.96 is within the range of rates approved by courts); *Niebuhr v. Saul*, No. 18-CV-720, 2020 WL 6484488, at *1 (W.D. Wis. Nov. 4, 2020) (effective hourly rate of \$579); *Koester v. Astrue*, 482 F. Supp. 2d 1078, 1083 (E.D. Wis. 2007) (collecting cases showing that district courts have awarded attorney's fees with hourly rates ranging from \$400 to \$1,500).

CONCLUSION For the reasons stated above, the Court hereby GRANTS the Motion to Lift Stay [ECF No. 26], LIFTS the Stay of Proceedings, GRANTS the Supplemental Motion for Authorization of Attorney Fees Pursuant to 42 U.S.C. Section 406(b) [ECF No. 22], and AWARDS attorney fees under 42 U.S.C. § 406(b) in the amount of \$15,000.00. SO ORDERED on December 3, 2025. s/ Theresa L. Springmann JUDGE THERESA L. SPRINGMANN UNITED STATES DISTRICT COURT