

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO

Burgos-Suarez v. Bisignano

No. 24-1098 (HRV) (D.P.R. Mar. 20, 2026) · No. 24-1098 (HRV) · Decided March 20, 2026

SUMMARY

The United States District Court for the District of Puerto Rico granted Attorney Pedro Cruz-Sánchez’s petition for \$20,000 in attorney’s fees under § 406(b) of the Social Security Act. The court found the request timely and reasonable following a sentence-four remand and a favorable agency decision, and ordered counsel to refund the previously awarded EAJA fee to the plaintiff.

CASE DETAILS

COURT	United States District Court for the District of Puerto Rico
WRITING FOR THE COURT	Héctor L. Ramos-Vega
JURISDICTION	United States District Court for the District of Puerto Rico
DECIDED	March 20, 2026
DOCKET	24-1098 (HRV)
DISPOSITION	other
PROCEDURAL POSTURE	Attorney Cruz-Sánchez petitioned for authorization of attorney's fees under 42 U.S.C. § 406(b) after representing Plaintiff in federal-court review of a denial of Social Security disability benefits and obtaining a sentence-four remand.
STANDARD OF REVIEW	The Court independently determines whether a requested § 406(b) fee is reasonable, while considering the contingent-fee agreement, the character and results of the representation, counsel's conduct and delay, the time expended, and the effective hourly rate.
PRECEDENTIAL VALUE	unpublished district court opinion

TOPICS

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

PRACTICE AREAS

- Social Security law
- attorney fees
- administrative law
- remedies

QUESTIONS PRESENTED

1. Whether counsel's motion for fees under 42 U.S.C. § 406(b) was timely under D.P.R. Local Civil Rule 9(d)(2).
2. Whether a requested \$20,000 contingent fee was reasonable and within the statutory 25 percent cap.
3. Whether counsel was required to refund the smaller EAJA award to Plaintiff upon receiving the § 406(b) fee.

HOLDINGS

1. A motion for fees under § 406(b) is timely when filed within thirty days after counsel receives the Notice of Award, and counsel's March 5, 2026 motion was timely because counsel received the Notice of Award on March 3, 2026.
2. The requested \$20,000 fee was reasonable and could be awarded under § 406(b) because it complied with the contingency agreement, did not exceed the statutory 25 percent cap, counsel's representation was not substandard or delayed, the representation produced a remand and favorable benefits award, and the effective hourly rate was reasonable in light of comparable awards.
3. Because counsel received an EAJA award, counsel must refund the previously awarded EAJA amount to Plaintiff after receiving the § 406(b) fee.

KEY QUOTATIONS

“Accordingly, the “Petition for Authorization of Attorney’s Fee Pursuant to the Social Security Act § 206(b)” (Docket No. 24) is GRANTED in full and the Court ORDERS that the amount of \$20,000.00 be paid to Attorney Cruz-Sánchez from Plaintiff’s past-due benefits. Counsel is ordered to refund to Plaintiff the amount previously awarded pursuant to EAJA.” (p. 6)

FACTUAL BACKGROUND

Plaintiff retained Attorney Cruz-Sánchez under a contingency-fee agreement permitting a fee request capped at 25 percent of past-due Social Security benefits. Counsel represented Plaintiff in this Court, filed a brief, and obtained a sentence-four remand, after which the agency issued a favorable decision and awarded \$116,133 in past-due benefits. The Commissioner withheld \$23,033.25 for counsel's federal-court work, and counsel requested \$20,000 under § 406(b), while an earlier \$8,250 EAJA award had also been entered.

PROCEDURAL HISTORY

Plaintiff sought judicial review of an unfavorable Social Security decision. After Plaintiff filed a brief, the Commissioner consented to a sentence-four remand under 42 U.S.C. § 405(g), and judgment remanding the case was entered on August 23, 2024. The Court later awarded \$8,250 in EAJA fees. Following a favorable agency decision on remand and an award of past-due benefits, counsel sought \$20,000 under § 406(b).

DISPOSITION

other

CASES CITED

- *Gisbrecht v. Barnhart*, 535 U.S. 789, 796, 807-08 (2002)
- *Pais v. Kijakazi*, 52 F.4th 486, 494 (1st Cir. 2022)
- *Alvarez-Roman v. Comm'r of Soc. Sec.*, 2025 WL 712998, at *4 (D.P.R. Mar. 5, 2025)
- *Alvarez-Roman v. Comm'r of Soc. Sec.*, 2025 WL 12998, at *4-5 (D.P.R. Mar. 5, 2025)
- *Piñeiro-Fuentes v. Comm'r of Soc. Sec.*, No. 18-CV-1556 (MDM), 2023 WL 6605907, 2023 U.S. Dist. LEXIS 6605907, at *14 (D.P.R. Oct. 10, 2023)
- *Heather C. v. Dudek*, No. 22-cv-103-SDN, 2025 WL 1359208, 2025 U.S. Dist. LEXIS 88674, at *4 (D. Me. May 9, 2025)
- *Christopher H. v. Kijakazi*, No. 28-cv-00355, 2022 U.S. Dist. LEXIS 224823, 2022 WL 17668469, at *1 (D. Me. Dec. 14, 2022)
- *Weed v. Colvin*, No. 14-cv-271, 2016 U.S. Dist. LEXIS 92101, 2016 WL 3919849, at *2-3 (D. Me. July 15, 2016)