

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

William Rittel v. Frank Bisignano, Commissioner of Social Security

Rittel · No. 23-cv-01075-BAS-MSB · Decided January 28, 2026

SUMMARY

The United States District Court for the Southern District of California grants William Rittel’s motion for approval of attorney’s fees under 42 U.S.C. § 406(b). The court approves \$6,426.50, representing 25% of past-due Social Security benefits, and finds no basis for a downward adjustment. The court also orders counsel to remit a prior \$1,500 EAJA fee award to Rittel because it compensated the same work.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Cynthia Bashant
JURISDICTION	United States District Court for the Southern District of California
DECIDED	January 28, 2026
DOCKET	23-cv-01075-BAS-MSB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under 42 U.S.C. § 406(b) for approval of attorney's fees after obtaining a favorable Social Security disability decision following remand.
PRECEDENTIAL VALUE	Unknown; district court fee-approval order with no reporter citation

TOPICS

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

PRACTICE AREAS

Social Security administrative law attorney fees civil procedure

QUESTIONS PRESENTED

1. Whether the contingent-fee agreement providing counsel with 25 percent of past-due Social Security benefits produced a reasonable fee under 42 U.S.C. § 406(b).

2. Whether counsel must remit the prior EAJA fee award to the claimant when the EAJA and § 406(b) awards compensate the same work.

HOLDINGS

1. A contingent-fee agreement providing counsel with 25 percent of the claimant's past-due benefits may be approved when the agreement and resulting fee are reasonable and there is no fraud, overreaching, substandard performance, excessive delay, or windfall. The court approved the requested \$6,426.50 fee.
2. When § 406(b) and EAJA fees compensate the same work, counsel must offset the § 406(b) fee by remitting the EAJA award to the claimant.

KEY QUOTATIONS

“Further, where counsel is set to receive a windfall because “the benefits are large in comparison to the amount of time counsel spent on the case, a downward adjustment is similarly in order.”” (at 1)

“Because here Petitioner’s fees under the EAJA and § 406(b) are for the same work, the Court will order Petitioner to remit the \$1,500 fee award to Rittel.” (at 2)

FACTUAL BACKGROUND

Rittel retained Martha Yancey under a contingent-fee agreement providing for payment of 25 percent of past-due benefits if benefits were awarded. After the district court remanded the case to the Social Security Administration, a new administrative hearing resulted in a favorable disability determination. The Administration withheld \$6,426.50 for attorney's fees, and counsel sought court approval under 42 U.S.C. § 406(b). Counsel had spent 6.3 hours on the district-court proceedings and had previously received a \$1,500 EAJA fee award for the same work.

PROCEDURAL HISTORY

An administrative law judge initially denied Rittel's application for disability benefits. Rittel sought judicial review, and the parties jointly moved to reverse and remand; the court granted the motion on October 14, 2023. After a new administrative hearing, the ALJ found Rittel disabled and the Social Security Administration withheld \$6,426.50, representing 25 percent of past-due benefits, for attorney's fees. The court approved the fee and ordered counsel to remit a prior \$1,500 EAJA award to Rittel.

DISPOSITION

other

CASES CITED

- Culbertson v. Berryhill, 586 U.S. 53, 57 (2019)
- Gisbrecht v. Barnhart, 535 U.S. 789, 796-809 (2002)
- Crawford v. Astrue, 586 F.3d 1142, 1147, 1151-52 (9th Cir. 2009) (en banc)
- Parrish v. Commissioner of Social Security Administration, 698 F.3d 1215, 1218 (9th Cir. 2012)

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