

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Danielle F. v. Commissioner of Social Security

Danielle F. · No. Civil Action No. 23-4241 (GC) · Decided March 5, 2026

SUMMARY

The United States District Court for the District of New Jersey granted Plaintiff’s counsel’s motion for attorney’s fees under 42 U.S.C. § 406(b) following a favorable remand in a Social Security disability benefits action. The court awarded \$30,600, subject to the statutory 25-percent cap, and directed counsel to remit the previously awarded \$7,000 Equal Access to Justice Act fee to the plaintiff. The court also ordered the case reopened for the fee ruling and then reclosed.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Georgette Castner
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	March 5, 2026
DOCKET	Civil Action No. 23-4241 (GC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff's counsel moved under 42 U.S.C. § 406(b) for approval of attorney's fees after the court had reversed and remanded the Social Security Administration's denial of benefits and Plaintiff received past-due benefits.
STANDARD OF REVIEW	The court independently reviewed the contingent-fee arrangement to determine whether the requested fee was reasonable for the services rendered, within the statutory ceiling.
PRECEDENTIAL VALUE	unpublished
PARTIES	Danielle F. v. Commissioner of Social Security

TOPICS

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

PRACTICE AREAS

- Social Security
- attorney's fees
- administrative law

QUESTIONS PRESENTED

1. Whether counsel's requested \$30,600 contingent fee under 42 U.S.C. § 406(b) was within the statutory limit and reasonable for the services rendered.
2. Whether counsel was required to refund the prior \$7,000 EAJA fee award to Plaintiff after receiving the § 406(b) award.

HOLDINGS

1. The requested \$30,600 attorney's fee was reasonable under 42 U.S.C. § 406(b) and did not exceed the statutory 25-percent limit on past-due benefits.
2. Because counsel received both a § 406(b) fee and a prior EAJA fee, counsel must remit the \$7,000 EAJA award to Plaintiff.

KEY QUOTATIONS

“The Social Security Act “calls for court review of such arrangements as an independent check, to assure that they yield reasonable results in particular cases.”” (Discussion)

“There is one firm “boundary line: [a]greements are unenforceable to the extent that they provide for fees exceeding 25 percent of the past-due benefits Within the 25 percent boundary, . . . the attorney for the successful claimant must show that the fee sought is reasonable for the services rendered.”” (Discussion)

FACTUAL BACKGROUND

Plaintiff retained counsel after the SSA denied her claim for disability insurance benefits. Counsel successfully obtained a consent order reversing and remanding the denial, and Plaintiff was ultimately awarded \$190,276 in past-due benefits. The contingency agreement provided for a fee of 25 percent of past-due benefits, and counsel documented 30.6 hours of work in the federal action. Counsel sought \$30,600 under § 406(b), while a prior \$7,000 EAJA award had already been approved.

PROCEDURAL HISTORY

The court previously entered a Consent Order reversing and remanding the SSA's final decision denying Plaintiff's application for disability insurance benefits. It later approved \$7,000 in attorney's fees under the Equal Access to Justice Act. On remand, Plaintiff was awarded \$190,276 in past-due benefits, from which \$47,569, or 25 percent, was withheld for potential attorney's fees. Counsel then sought \$30,600 under § 406(b). The court granted the motion and ordered counsel to remit the prior \$7,000 EAJA award to Plaintiff.

DISPOSITION

other

CASES CITED

- *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002)
- *Leak v. Comm'r of Soc. Sec.*, Civ. No. 11-51, 2017 WL 5513191, at *1 (D.N.J. Nov. 17, 2017)

- Kathleen G. v. Comm'r of Soc. Sec., Civ. No. 17-5413, 2025 WL 1456784, at *2 (D.N.J. May 21, 2025)
- Wells v. Comm'r of Soc. Sec., Civ. No. 20-10259, 2024 WL 447768, at *2-3 (D.N.J. Feb. 6, 2024)
- Acosta v. Comm'r Soc. Sec., 2022 WL 1598947, at *1 (3d Cir. May 20, 2022)
- Padgett v. Colvin, Civ. No. 20-12082, 2024 WL 5264247, at *1 (D.N.J. Dec. 30, 2024)
- Mignone v. Comm'r of Soc. Sec., Civ. No. 13-6054, 2018 WL 259949, at *2 (D.N.J. Jan. 2, 2018)
- Rossi v. Comm'r of Soc. Sec., Civ. No. 19-08544, 2023 WL 6533488, at *1 (D.N.J. Oct. 6, 2023)

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