

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

Benjamin G. v. Commissioner, Social Security Administration

Case No. 2:23-cv-000195-MTK (D. Or. Feb. 19, 2026) · No. 2:23-cv-000195-MTK · Decided February 19, 2026

SUMMARY

The United States District Court for the District of Oregon awarded Plaintiff’s counsel \$27,906.50 in attorney’s fees under 42 U.S.C. § 406(b) after reversing the Commissioner’s denial of Social Security disability benefits and remanding for calculation and award of benefits. The court directed that previously awarded EAJA fees of \$8,395.58 be deducted from the § 406(b) award, leaving a balance of \$19,510.92 payable to counsel.

CASE DETAILS

COURT	United States District Court for the District of Oregon
WRITING FOR THE COURT	Mustafa T. Kasubhai
JURISDICTION	United States District Court for the District of Oregon
DECIDED	February 19, 2026
DOCKET	2:23-cv-000195-MTK
DISPOSITION	approved
PROCEDURAL POSTURE	After reversing the Commissioner's denial of benefits, remanding for calculation and award of benefits, and entering judgment, the court considered Plaintiff's motion for attorney fees under 42 U.S.C. § 406(b).
STANDARD OF REVIEW	The court applied the standards governing reasonableness of attorney-fee requests under 42 U.S.C. § 406(b), as discussed in <i>Gisbrecht v. Barnhart</i> .
PRECEDENTIAL VALUE	Unknown
PARTIES	Benjamin G. v. Commissioner, Social Security Administration

TOPICS

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

PRACTICE AREAS

- Social Security
- administrative law
- attorney fees

QUESTIONS PRESENTED

1. Whether Plaintiff's requested attorney fee under 42 U.S.C. § 406(b) was reasonable.
2. How the § 406(b) fee should be paid in light of the \$8,395.58 previously received under EAJA.

HOLDINGS

1. The requested attorney fee of \$27,906.50 was reasonable and should be awarded under 42 U.S.C. § 406(b).
2. The Commissioner must subtract the \$8,395.58 previously received under EAJA from the § 406(b) award and pay Plaintiff's attorney the remaining \$19,510.92; any amount withheld after all administrative and court attorney fees are paid must be released to Plaintiff.

KEY QUOTATIONS

“Plaintiff’s counsel is allowed an attorney’s fee under the Social Security Act, 42 U.S.C. § 406(b), in the amount of \$27,906.50, to be paid in accordance with agency policy.”

“When issuing the section 406(b) check for payment to Plaintiff’s attorney, the Commissioner is directed to subtract the amount previously received under EAJA (\$8,395.58) and send Plaintiff’s attorney the balance of \$19,510.92.”

FACTUAL BACKGROUND

Plaintiff Benjamin G. applied for disability insurance benefits and supplemental security income under the Social Security Act. The Commissioner denied the application, but the court later reversed the Commissioner's decision and remanded for calculation and award of benefits. After the favorable result, Plaintiff's attorney requested \$27,906.50 in fees under 42 U.S.C. § 406(b), subject to credit for \$8,395.58 previously received under EAJA.

PROCEDURAL HISTORY

Plaintiff sought judicial review of the Commissioner's final decision denying disability insurance benefits and supplemental security income. The court reversed the Commissioner's decision, remanded for calculation and award of benefits, and entered judgment on August 27, 2024. Plaintiff's attorney then moved for an award of fees under 42 U.S.C. § 406(b), and the Commissioner took no position.

DISPOSITION

approved

CASES CITED

- *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002)

OPINION

Gabriel

PER CURIAM.

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

BENJAMIN G.,¹ Case No. 2:23-cv-000195-MTK Plaintiff,

ORDER

v. COMMISSIONER, Social Security Administration, Defendant.

KASUBHAI, United States District Judge:
Plaintiff Benjamin G. brought this action seeking review of the Commissioner's final decision denying his application for disability insurance benefits and supplemental security income under the Social Security Act. ECF No. 1. The Court reversed the Commissioner's decision, remanded the case for calculation and award of benefits, and entered Judgment on August 27, 2024. ECF Nos. 14, 18-19. Plaintiff's attorney now seeks an award of fees pursuant to 42 U.S.C. § 406(b). ECF No.

25. Defendant takes no position with respect to the request. Id. Applying the standards set

1 In the interest of privacy, the Court uses only the first name and last name initial of non-government parties whose identification could affect Plaintiff's privacy. by *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002), the Court has reviewed the record in this case and finds that the requested fee is reasonable. Plaintiff's Motion for Attorney Fees Under 42 U.S.C. § 406(b) (ECF No. 25) is hereby GRANTED as follows: Plaintiff's counsel is allowed an attorney's fee under the Social Security Act, 42 U.S.C. § 406(b), in the amount of \$27,906.50, to be paid in accordance with agency policy. When issuing the section 406(b) check for payment to Plaintiff's attorney, the Commissioner is directed to subtract the amount previously received under EAJA (\$8,395.58) and send Plaintiff's attorney the balance of \$19,510.92. Any amount withheld after all administrative and court attorney's fees are paid should be released to Plaintiff. IT IS SO ORDERED. DATED this 19 day of February , 2026. /s/ Mustafa T.
 Kasubhai

MUSTAFA T. KASUBHAI (He/Him)

United States District Judge