

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

Heidi M. v. Commissioner of Social Security

Heidi M. · No. 6:21-cv-06703-EAW · Decided April 16, 2026

SUMMARY

The United States District Court for the Western District of New York granted Plaintiff Heidi M.’s motion for attorneys’ fees under 42 U.S.C. § 406(b) in the amount of \$24,920.50. The court found the request timely, within the statutory 25 percent cap, and reasonable under applicable Second Circuit standards. Counsel was also ordered to refund the previously awarded \$7,400.00 in Equal Access to Justice Act fees to Plaintiff.

CASE DETAILS

COURT	United States District Court for the Western District of New York
WRITING FOR THE COURT	Elizabeth A. Wolford
JURISDICTION	United States District Court for the Western District of New York
DECIDED	April 16, 2026
DOCKET	6:21-cv-06703-EAW
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for attorneys’ fees under 42 U.S.C. § 406(b) after the court remanded her Social Security claims and she received a favorable benefits decision. The court granted the motion and ordered counsel to refund the previously awarded EAJA fees to Plaintiff.
STANDARD OF REVIEW	The court independently reviewed the requested contingent fee for reasonableness under 42 U.S.C. § 406(b), including whether it exceeded the 25 percent statutory cap, involved fraud or overreaching, or constituted a windfall.
PRECEDENTIAL VALUE	unpublished
PARTIES	Heidi M. v. Commissioner of Social Security

TOPICS

- attorney fees
- administrative law
- civil procedure
- remedies

PRACTICE AREAS

Social Security

attorneys' fees

administrative law

civil procedure

QUESTIONS PRESENTED

1. Whether Plaintiff's motion for attorneys' fees under 42 U.S.C. § 406(b) was timely.
2. Whether the requested \$24,920.50 attorneys' fee was reasonable under § 406(b) and did not constitute a windfall.
3. Whether counsel was required to refund the previously awarded EAJA fees to Plaintiff.

HOLDINGS

1. A motion for attorneys' fees under § 406(b) must be filed within 14 days of notice of the benefits award, and Plaintiff's motion filed 14 days after the August 26, 2025 notice of award was timely.
2. The requested \$24,920.50 fee was reasonable because it was within the 25 percent statutory cap, was not the product of fraud or overreaching, and did not constitute a windfall.
3. When counsel receives fees under both the EAJA and § 406(b), counsel must refund to the claimant the amount of the smaller fee.

KEY QUOTATIONS

"calls for court review of [contingent-fee] arrangements as an independent check, to assure that they yield reasonable results in particular cases." (807)

"Within the 25 percent boundary, . . . the attorney for the successful claimant must show that the fee sought is reasonable for the services rendered." (807)

"To the contrary, because section 406(b) requires an affirmative judicial finding that the fee allowed is 'reasonable,' the attorney bears the burden of persuasion that the statutory requirement has been satisfied." (807 n.17)

"Fee awards may be made under both [EAJA and § 406(b)], but the claimant's attorney must refund to the claimant the amount of the smaller fee" (796)

FACTUAL BACKGROUND

The Commissioner initially denied Plaintiff's applications for disability insurance benefits and supplemental security income. Following a stipulated remand, Plaintiff ultimately received a favorable benefits decision, and the Commissioner withheld \$24,920.50 from her past-due benefits for possible attorneys' fees. Counsel sought that amount under § 406(b), representing 25 percent of \$99,682 in past-due benefits, and agreed to refund the previously received \$7,400 EAJA fee to Plaintiff.

PROCEDURAL HISTORY

Plaintiff filed this action on November 17, 2021, seeking review of the Commissioner's denial of her applications for disability insurance benefits and supplemental security income. The court approved a stipulated

remand on June 16, 2022, and approved \$7,400 in EAJA fees and \$402 in costs on June 21, 2022. After the Commissioner issued a notice of award on August 26, 2025, Plaintiff moved on September 9, 2025, for \$24,920.50 in fees under § 406(b).

DISPOSITION

other

CASES CITED

- Sinkler v. Berryhill, 932 F.3d 83, 88 (2d Cir. 2019)
- Gisbrecht v. Barnhart, 535 U.S. 789, 796, 807-08 (2002)
- Mix v. Comm’r of Soc. Sec., No. 6:14-CV-06219 (MAT), 2017 WL 2222247, at *2 (W.D.N.Y. May 22, 2017)
- Wells v. Sullivan, 907 F.2d 367, 371-72 (2d Cir. 1990)
- Fields v. Kijakazi, 24 F.4th 845, 854-56 (2d Cir. 2022)
- Sue-Anne O. M. v. Kijakazi, No. 3:20-cv-00301, 2023 WL 3737712, at *2 (D. Conn. May 31, 2023)
- Jennifer W. v. Saul, 18-CV-493F, 2021 WL 1624288, at *3 (W.D.N.Y. Apr. 27, 2021)