

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Ronald Citta v. Frank Bisignano, Commissioner of Social Security

Citta · No. 1:22-cv-02626 · Decided February 9, 2026

SUMMARY

The United States District Court for the District of New Jersey granted Plaintiff Ronald Citta's motion for attorney's fees under 42 U.S.C. § 406(b) in the amount of \$36,899.00. The court found the fee reasonable based on the favorable result, counsel's work, the contingency-fee risk, and the effective hourly rate, and directed counsel to remit the previously awarded \$7,500.00 EAJA fee to Plaintiff.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Norah McCann King
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	February 9, 2026
DOCKET	1:22-cv-02626
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under 42 U.S.C. § 406(b) for an award of attorney fees after obtaining a favorable disability-benefits decision on remand from the court.
STANDARD OF REVIEW	The Court reviewed the requested § 406(b) fee for reasonableness, considering the character of the representation, results achieved, counsel's responsibility for delay, the benefits obtained in relation to time expended, and the risk of loss inherent in contingency representation.
PRECEDENTIAL VALUE	Unknown; district court opinion
PARTIES	Ronald Citta v. Frank Bisignano, Commissioner of Social Security

TOPICS

[attorney fees](#) [administrative law](#) [remedies](#) [judicial review of agency action](#)

PRACTICE AREAS

[Social Security](#) [administrative law](#) [attorney fees](#)

QUESTIONS PRESENTED

1. Whether the requested \$36,899 attorney-fee award was reasonable under 42 U.S.C. § 406(b)(1)(A).
2. Whether counsel was required to remit the previously awarded \$7,500 EAJA fee to Plaintiff upon receipt of the § 406(b) fee.

HOLDINGS

1. A court may award a reasonable fee for successful representation of a Social Security claimant, capped at 25 percent of the claimant's past-due benefits, and the requested \$36,899 fee was reasonable under the circumstances.
2. Upon receipt of the § 406(b) fee, Plaintiff's counsel must remit the previously awarded \$7,500 EAJA fee to Plaintiff.

KEY QUOTATIONS

“a reasonable fee for such representation, not in excess of 25 percent of the total of the past-due benefits to which the claimant is entitled by reason of such judgment. . . .” (I)

“Contingency fee arrangements are “the primary means by which fees are set for successfully representing Social Security benefits claimants in court.”” (I)

“The statute requires that the award under § 406(b) be reasonable and the Supreme Court in Grisbecht cautioned that a reduction may be warranted when “the benefits are large in comparison to the amount of time counsel spent on the case.” (III)

FACTUAL BACKGROUND

Plaintiff alleged disability beginning December 31, 2014, and filed his benefits application in March 2019. After an ALJ found him not disabled, this Court reversed and remanded the matter. On remand, Plaintiff obtained a fully favorable decision, and 25 percent of his past-due benefits, totaling \$36,899, was withheld for payment to his representative.

PROCEDURAL HISTORY

Plaintiff applied for Disability Insurance Benefits in March 2019. An Administrative Law Judge denied benefits in December 2020. On judicial review, this Court reversed the Commissioner's decision and remanded for further proceedings, after which Plaintiff received a fully favorable decision. The Court previously awarded Plaintiff \$7,500 in EAJA fees, and Plaintiff's counsel then sought \$36,899 under 42 U.S.C. § 406(b).

DISPOSITION

other

REMAND INSTRUCTIONS

No new remand was ordered. Counsel was directed to remit the previously awarded \$7,500 EAJA fee to Plaintiff upon receipt of the § 406(b) fee.

CASES CITED

- *Gisbrecht v. Barnhart*, 535 U.S. 789, 807-08 (2002)
- *Tschudy v. Commissioner of Social Security*, No. 18-3424, 2020 WL 3316403, at *1 (D.N.J. June 18, 2020)
- *Kathleen G. v. Commissioner of Social Security*, No. 17-5413 (RMB), 2025 WL 1456784, at *2 (D.N.J. May 21, 2025)
- *Wells v. Commissioner of Social Security*, No. 1:20-cv-10259-NLH, 2024 WL 447768, at *1-2 (D.N.J. Feb. 6, 2024)

OPINION

CITTA

PER CURIAM.

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

RONALD CITTA,

Plaintiff, Case No. 1:22-cv-02626 v. Magistrate Judge Norah McCann King

FRANK BISIGNANO,

Commissioner of Social Security, Defendant.

OPINION AND ORDER

This matter is before the Court on the motion for an attorney fee pursuant to 42 U.S.C. § 406(b) in the amount of \$ 36,899.00. (ECF No. 25) The Commissioner neither supports nor opposes the motion but asks that the Court direct Plaintiff's counsel to remit to Plaintiff the \$ 6,700.00 fee previously awarded under the Equal Access to Justice Act, 28 U.S.C. § 2412(d) ("EAJA"). (ECF No. 26) For the reasons that follow, the motion is granted.

I. STANDARD

Under the Social Security Act, when a court renders a judgment favorable to a claimant who was represented before the court by an attorney, the court may award that prevailing claimant's attorney "a reasonable fee for such representation, not in excess of 25 percent of the total of the past-due benefits to which the claimant is entitled by reason of such judgment. . . ." 42 U.S.C. § 406(b)(1)(A). Contingency fee arrangements are "the primary means by which fees are set for successfully representing Social Security benefits claimants in court." *Gisbrecht v. Barnhart*, 535 U.S. 789, 807 (2002). In determining an appropriate fee under the statute, a court must also consider such factors as the character of the representation and results achieved, whether counsel was responsible for delay, and whether the benefits were large in comparison to the time expended by counsel. *Id.* at 807-08. In making this determination, a court may also consider the inherent risk of loss associated with representation on a contingency basis. *Tschudy v. Comm'r of Soc. Sec.*, No. 18-3424, 2020 WL 3316403, at *1 (D.N.J. June 18, 2020).

II. PROCEDURAL HISTORY

Plaintiff's application for Disability Insurance Benefits, alleging disability since December 31, 2014, was originally filed in March 2019. (R. 85, 98, 157-59) In December 2020, an Administrative Law Judge issued a decision finding that Plaintiff was not disabled. (R.15-27) On appeal from that decision in this Court, that decision was reversed and the matter was remanded to the Commissioner for further proceedings. (Opinion and Order, ECF No. 21) Final Judgment was entered that same day. (Final Judgment, ECF No. 22) This Court thereafter accepted the parties' stipulation and awarded Plaintiff an attorney's fee under the EAJA in the amount of \$ 7,500.00. (Consent Order, ECF No. 22) On remand from this Court, Plaintiff achieved a fully favorable decision. (ECF No. 25-4) Twenty-five percent of Plaintiff's past-due benefits, \$ 36,899.00, has been withheld for payment to his representative. (Id. at PageID# 1075)

III. DISCUSSION

The fee agreement executed by Plaintiff and his counsel authorizes a fee of 25% of all past- due benefits for work performed before this Court. (ECF No. 25-5) Plaintiff's counsel itemizes a total of 39.2 hours of attorney time expended on Plaintiff's behalf before this Court. (ECF No. 25-6) Taking into account the relevant factors, see *Grisbecht*, 515 U.S. at 807-08, the Court observes that counsel's representation of Plaintiff before this Court was of the highest caliber and, as noted, resulted in the reversal of the Commissioner's decision and an order of remand. The favorable result that Plaintiff ultimately realized is a testament to his counsel's competence and efforts. Furthermore, years had elapsed between the time that Plaintiff filed his application for benefits and the awarding of benefits—delay that burdened his counsel as well as Plaintiff— and there is no indication that this delay was caused by Plaintiff's counsel. Of course, the Court is also aware of the substantial risk of non-compensation that attorneys assume when representing clients on a contingency fee basis in cases such as this. See *Tschudy*, 2020 WL 3316403, at *1. The statute requires that the award under § 406(b) be reasonable and the Supreme Court in *Grisbecht* cautioned that a reduction may be warranted when “the benefits are large in comparison to the amount of time counsel spent on the case”. Id. at 808. Counsel seeks a fee award of \$ 36,899.00, which results in an imputed effective hourly rate of \$ 941.30 per hour. That rate has been approved in this District. See, e.g., *Kathleen G. v. Comm'r of Soc. Sec.*, No. 17-5413 (RMB), 2025 WL 1456784, at *2 (D.N.J. May 21, 2025) (approving a fee with imputed rate of \$ 1,043.02 per hour); *Wells v. Comm'r of Soc. Sec.*, No. 1:20-cv-10259-NLH, 2024 WL 447768, at *1-2 (D.N.J. Feb. 6, 2024) (\$ 1,056.34 per hour). This Court concludes that the award sought in this case is reasonable within the meaning of 42 U.S.C. § 406(b)(1). Plaintiff's Motion for Attorney Fees, ECF No. 25, is therefore GRANTED. IT IS ORDERED that an attorney's fee in the amount of \$ 36,899.00, which is not more than 25% of the past due benefits awarded to Plaintiff, be remitted to Jennifer Lilley Stonage, Esq. Upon receipt of this fee, counsel for Plaintiff is DIRECTED to remit the previously awarded EAJA fee in the amount of \$ 7,500.00 to Plaintiff. February 9, 2026 s/ Norah McCann King Norah McCann King United States Magistrate Judge

