

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
OKLAHOMA

Lacey Medlin v. Commissioner of the Social Security Administration

Medlin · No. CIV-22-262-JAR · Decided May 12, 2026

SUMMARY

The United States District Court for the Eastern District of Oklahoma granted Plaintiff’s counsel’s motion for attorney fees under 42 U.S.C. § 406(b) following a successful Social Security appeal and remand. The court awarded \$21,341.00, directed payment from withheld past-due benefits, and required counsel to refund the smaller of the EAJA award or the § 406(b) award to Plaintiff’s estate.

CASE DETAILS

COURT	United States District Court for the Eastern District of Oklahoma
WRITING FOR THE COURT	Jason A. Robertson
JURISDICTION	United States District Court for the Eastern District of Oklahoma
DECIDED	May 12, 2026
DOCKET	CIV-22-262-JAR
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff's attorney moved under 42 U.S.C. § 406(b) for an award of attorney fees after successfully obtaining a remand and, on remand, a fully favorable Social Security benefits decision.
STANDARD OF REVIEW	The Court reviewed the contingency-fee agreement and contemporaneous time and expense records to determine whether the requested fee produced a reasonable result in the particular case. The Court also evaluated whether the fee request was filed within a reasonable time under Federal Rule of Civil Procedure 60(b)(6).
PRECEDENTIAL VALUE	Unknown
PARTIES	Lacey Medlin v. Commissioner of the Social Security Administration

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether counsel was entitled to an attorney-fee award under 42 U.S.C. § 406(b) in the amount of \$21,341.00.
2. Whether the requested fee was reasonable under the contingency-fee agreement, the 25% statutory limit, and the results obtained.
3. Whether counsel's fee motion was timely under Federal Rule of Civil Procedure 60(b)(6).
4. Whether the § 406(b) fee award required counsel to refund the smaller of the previously awarded EAJA fee and the § 406(b) fee to Plaintiff's estate.

HOLDINGS

1. Counsel was entitled to \$21,341.00 in fees under 42 U.S.C. § 406(b), payable directly from the past-due benefits withheld for that purpose.
2. The fee request was timely because it was filed within a reasonable time of the Commissioner's decision awarding benefits.
3. Counsel must refund to Plaintiff's estate the smaller amount between any EAJA fees already awarded and the § 406(b) fees awarded.

KEY QUOTATIONS

“The only condition upon the full award of 25% is a requirement that the court review contingency fee arrangements “to assure that they yield reasonable results in particular cases.””

“This Court cannot find the delay which occurred in this case warrants the draconian result of denying an award of fees.”

FACTUAL BACKGROUND

Plaintiff retained counsel under a contingency-fee agreement providing for a fee equal to 25% of any past-due benefits ultimately awarded. Counsel successfully prosecuted the appeal, obtained a remand, and Plaintiff received a fully favorable benefits decision on remand. The Social Security Administration withheld \$21,341.00, representing 25% of an inferred past-due-benefits award of \$85,364.00, and counsel sought that amount under 42 U.S.C. § 406(b).

PROCEDURAL HISTORY

Counsel appealed an adverse administrative decision concerning Plaintiff's Social Security benefits. The Commissioner filed an unopposed motion to remand, which the Court granted. Plaintiff subsequently received a fully favorable decision and counsel received an EAJA fee award of \$5,851.50. Counsel then moved for \$21,341.00 in fees under 42 U.S.C. § 406(b), and the Court granted the motion.

DISPOSITION

other

CASES CITED

- *Gisbrecht v. Barnhart*, 535 U.S. 789, 807 (2002)
- *Wrenn v. Astrue*, 525 F.3d 931, 937-938 (10th Cir. 2008)
- *McGraw v. Barnhart*, 450 F.3d 493, 505 (10th Cir. 2006)
- *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986)

OPINION

Medlin

PER CURIAM.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF OKLAHOMA

LACEY MEDLIN,)

) Plaintiff,)) v.) Case No. CIV-22-262-JAR)

COMMISSIONER OF THE)

SOCIAL SECURITY)

ADMINISTRATION,)

) Defendant.)

OPINION AND ORDER

This matter comes before this Court on Plaintiff's Attorney's Motion for an Award of Attorney Fees Under 42 U.S.C. § 406(b) filed by Kelsey Young with the Parmele Law Firm, the attorney of record for Plaintiff (Docket Entry No. 25). Counsel requests that she be awarded fees for legal work pursuant to 42 U.S.C. § 406(b) in the amount of \$21,341.00. Counsel was employed by Plaintiff to appeal the adverse decision rendered by Administrative Law Judge presiding over the request for benefits. To that end, Counsel entered into a contract for compensation with Plaintiff, providing for the payment of a fee equal to 25% of any past due benefits ultimately awarded to Plaintiff. Such contracts are recognized as valid under the prevailing case authority. *Gisbrecht v. Barnhart*, 535 U.S. 789, 807 (2002). Counsel filed an opening in response to which the Social Security Administration filed an unopposed motion to remand, which was granted by the Court. Consequently, Plaintiff was successful in this appeal. As a result, Plaintiff was awarded attorney's fees in accordance with the Equal Access to Justice Act ("EAJA") for the efforts before this Court in the amount of \$5,851.50. On remand, Plaintiff received a fully favorable decision. Although the amount of the past due benefits to be paid is not expressly set out in the Notice of Award, the Social Security Administration states it is withholding 25% of the award for attorney's fees or \$21,341.00 which would indicate that the total award amounts to \$85,364.00. The amount awarded to counsel for successfully prosecuting an appeal of a denial of Social Security benefits

and obtaining benefits for a claimant may not exceed 25% of past due benefits. 42 U.S.C. § 406(b)(1)(A). As in this case, Defendant is authorized to withhold up to 25% of the past due benefits awarded to a claimant for payment directly to the claimant's attorney. 42 U.S.C. § 406(a)(4). The Tenth Circuit Court of Appeals determined that the 25% amount is separate and apart from the amount awarded at the agency level under 42 U.S.C. § 406(a). *Wrenn v. Astrue*, 525 F.3d 931, 937-938 (10th Cir. 2008). The only condition upon the full award of 25% is a requirement that the court review contingency fee arrangements "to assure that they yield reasonable results in particular cases." *Id.* at 938 (citations omitted). Counsel's requested fees do not exceed either the amount contracted for in the contingency fee agreement or the limitations of §406(b). Defendant generally does not take a position on awarding the amount requested, stating that the Social Security Administration has no financial stake in the result. Despite the fact the source for Counsel's compensation is a contingency fee contract, this Court has reviewed the contemporaneous time and expense records based upon the admonishment of the Tenth Circuit to do so and finds the time expended to be reasonable and necessary in consideration of the result obtained. This Court has evaluated Counsel's request for its timeliness. In seeking an award under § 406(b), an attorney is required to employ the provisions of Fed. R. Civ. P. 60(b)(6). *McGraw v. Barnhart*, 450 F.3d 493, 505 (10th Cir. 2006). While relief under this rule is considered extraordinary and reserved for exceptional circumstances, substantial justice is served by permitting its use in the circumstance faced by counsel in seeking these fees. *Id.* To that end, any fee request pursued under §406(b) should be filed "within a reasonable time of the Commissioner's decision awarding benefits." *Id.* (citation omitted). In this case, Notice of Award was issued by Defendant on August 24, 2025. Counsel filed her request for compensation on September 23, 2025. This Court cannot find the delay which occurred in this case warrants the draconian result of denying an award of fees. Therefore, the request is considered timely. IT IS THEREFORE ORDERED that on Plaintiff's Attorney's Motion for an Award of Attorney Fees Under 42 U.S.C. § 406(b) filed by Kelsey Young with the Parmele Law Firm, the attorney of record for Plaintiff (Docket Entry No. 25) is hereby GRANTED. Plaintiff's counsel is awarded fees in the amount of \$21,341.00. Defendant is directed to pay this fee directly to counsel from the amount of past due benefits withheld for that purpose. In addition, Plaintiff's counsel shall refund to Plaintiff's estate the smaller amount between any EAJA fees already awarded and the § 406(b) fees awarded in this decision to Plaintiff. *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986). IT IS SO ORDERED this 12th day of May, 2026. _____

JASON A. ROBERTSON

UNITED STATES MAGISTRATE JUDGE