

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MISSOURI, EASTERN DIVISION

Kent Bourbon v. Frank Bisignano, Commissioner of Social Security

No. 4:23-cv-1477-RHH (E.D. Mo. Apr. 14, 2026) · No. 4:23-cv-1477-RHH · Decided April 14, 2026

SUMMARY

The United States District Court for the Eastern District of Missouri grants Plaintiff’s attorney’s motion for attorney’s fees under 42 U.S.C. § 406(b) following a sentence-four remand in a Social Security case and a fully favorable benefits decision. The court awards counsel \$25,663.00, representing 25% of the past-due benefits, and directs counsel to refund the previously awarded \$6,407.80 EAJA fee to the plaintiff.

CASE DETAILS

COURT	United States District Court for the Eastern District of Missouri, Eastern Division
JURISDICTION	United States District Court for the Eastern District of Missouri, Eastern Division
DECIDED	April 14, 2026
DOCKET	4:23-cv-1477-RHH
DISPOSITION	other
PROCEDURAL POSTURE	Motion for attorney's fees under 42 U.S.C. § 406(b) after obtaining a sentence-four remand and successful award of benefits.
STANDARD OF REVIEW	The court reviews the reasonableness of the contingency fee arrangement under <i>Gisbrecht</i> , considering the hourly rate, character of representation, delay, and whether benefits are large compared to time.
PRECEDENTIAL VALUE	unpublished

TOPICS

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

PRACTICE AREAS

- Social Security Disability
- Administrative Law
- Attorney Fees

QUESTIONS PRESENTED

1. Whether an award of \$25,663.00 in attorney's fees under 42 U.S.C. § 406(b) is reasonable for 25.5 hours of court work where the contingency fee agreement provides for 25% of past-due benefits.

HOLDINGS

1. The court grants the motion and awards \$25,663.00 in attorney's fees under 42 U.S.C. § 406(b)(1)(A), finding the contingency fee agreement reasonable after an independent check.

KEY QUOTATIONS

“Whenever a court renders a judgment favorable to a claimant under this subchapter who was represented before the court by an attorney, the court may determine and allow as part of its judgment 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....”

“§ 406(b) does not displace contingent-fee arrangements as the primary means by which fees are set for successfully representing Social Security benefits claimants in court. Rather, § 406(b) calls for court review of such arrangements as an independent check, to assure that they yield reasonable results in particular cases.”

“[T]he attorney for the successful claimant must show that the fee sought is reasonable for the services rendered.”

“I agree that should I receive my benefits from the Administration after winning a remand or reversal from the United States District Court my attorney is entitled to 25% of my back pay for work performed in front of the United States District Court.”

“the hourly rate,...the character of the representation and results achieved, whether counsel was responsible for delay, and whether the benefits achieved were large in comparison to the time expended by counsel.”

FACTUAL BACKGROUND

Plaintiff Kent Bourbon filed this action seeking judicial review of a denial of Social Security benefits. The district court reversed and remanded under sentence four of 42 U.S.C. § 405(g); on remand the Social Security Administration awarded past-due benefits of \$102,652.00. Plaintiff had signed a fee agreement entitling counsel to 25% of back pay for court work; counsel sought \$25,663.00 in fees for 25.5 hours of court work. The Commissioner neither supported nor opposed the request.

PROCEDURAL HISTORY

On February 25, 2025, the court entered final judgment reversing and remanding the case to the Commissioner for further proceedings. On May 19, 2025, the court awarded EAJA fees of \$6,407.80. After remand, the Social Security Administration issued a fully favorable decision and awarded \$102,652.00 in past-due benefits. Plaintiff's counsel then moved for fees under § 406(b).

DISPOSITION

other

REMAND INSTRUCTIONS

Defendant shall remit to Kelsey Young attorney's fees in the amount of \$25,663.00. Plaintiff's counsel shall refund to Plaintiff the \$6,407.80 previously awarded under the EAJA.

CASES CITED

- *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002)
- *Jones v. Berryhill*, 699 F. App'x 587 (8th Cir. 2017)
- *Bunton v. O'Malley*, No. 4:20-CV-00914-AGF, 2024 WL 1636701 (E.D. Mo. Apr. 16, 2024)

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