

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Kiara R. v. Commissioner of Social Security

No. Civil Action No. 22-00683 (RK), United States District Court for the District of New Jersey (February 25, 2026)

SUMMARY

The United States District Court for the District of New Jersey granted counsel’s motion for attorney’s fees under 42 U.S.C. § 406(b)(1)(A) in a Social Security disability case. The court approved \$19,464.75, representing 25% of the claimant’s past-due benefits, and directed counsel to refund the \$8,500 previously awarded under the Equal Access to Justice Act. The court found the fee reasonable based on the representation, results achieved, timeliness, hourly equivalent, and fee agreement.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Robert Kirsch
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	February 25, 2026
DOCKET	Civil Action No. 22-00683 (RK)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff's counsel moved under 42 U.S.C. § 406(b) for approval of \$19,464.75 in attorney's fees from the claimant's retroactive Social Security benefits after the case had been remanded for further proceedings and benefits were awarded.
STANDARD OF REVIEW	The court reviews contingency-fee agreements under 42 U.S.C. § 406(b) for reasonableness, considering the character of the representation, results achieved, counsel's responsibility for delay, the benefits compared with time expended, and the primacy of a lawful attorney-client fee agreement.
PRECEDENTIAL VALUE	Unpublished, nonprecedential memorandum order
PARTIES	Kiara R. v. Commissioner of Social Security

TOPICS

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

PRACTICE AREAS

Social Security

administrative law

attorney fees

remedies

QUESTIONS PRESENTED

1. Whether counsel's request for \$19,464.75 in attorney's fees under 42 U.S.C. § 406(b), equal to 25 percent of Plaintiff's past-due benefits, was reasonable.
2. Whether counsel was required to refund the previously awarded \$8,500 EAJA fee to Plaintiff upon receipt of the § 406(b) fee.

HOLDINGS

1. The requested \$19,464.75 fee was reasonable and could be awarded under 42 U.S.C. § 406(b)(1)(A) because it did not exceed 25 percent of Plaintiff's past-due benefits and was supported by the successful representation, the absence of attorney-caused delay, the hours worked, and the lawful contingency-fee agreement.
2. Because counsel had already received \$8,500 under the EAJA, counsel was required to refund that lesser fee to Plaintiff upon receipt of the \$19,464.75 § 406(b) award.

KEY QUOTATIONS

“the Court must “review for reasonableness fees yielded by [contingency-fee] agreements”” (535 U.S. at 809)

“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,” (42 U.S.C. § 406(b)(1)(A))

“but the attorney must refund the smaller fee awarded between the two amounts to the claimant” (535 U.S. at 796)

FACTUAL BACKGROUND

Counsel represented Plaintiff in the appeal of her Social Security claim and obtained a remand that ultimately resulted in an award of \$77,859.00 in retroactive benefits, with the agency's notice specifying \$77,859.50. The attorney-client fee agreement provided for a fee equal to 25 percent of the past-due benefits. Counsel spent 40.7 hours on the case, previously received \$8,500 under the EAJA, and sought \$19,464.75 under § 406(b).

PROCEDURAL HISTORY

Judge Freda L. Wolfson remanded Plaintiff's request for Social Security benefits for further proceedings. Administrative Law Judge Leonard Costa subsequently awarded Plaintiff Supplemental Security Income benefits, and Judge Wolfson previously awarded counsel \$8,500 under the Equal Access to Justice Act. Counsel then moved for \$19,464.75 under 42 U.S.C. § 406(b), representing 25 percent of the retroactive benefits.

DISPOSITION

other

CASES CITED

- *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002)
- *Acosta v. Commissioner of Social Security*, No. 22-1454, 2022 WL 1598947 (3d Cir. May 20, 2022) (per curiam)
- *Walker v. Astrue*, 593 F.3d 274, 280 (3d Cir. 2010)
- *Heath Reynold L. v. Bisignano*, No. 24-1335, 2025 WL 2899996, at *3 (E.D. Pa. Oct. 9, 2025)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-district-of-new-jersey/2026/kiara-r-v-commissioner-of-social-security-sd1a1fy0>