

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF  
FLORIDA

Gladys Gonzalez-Domincci v. Frank Bisignano, Commissioner of  
Social Security

Gonzalez-Domincci v. Bisignano · No. 8:21-cv-2960-JRK · Decided January 28, 2026

SUMMARY

The court grants the Estate of Martin J. Cohen's motion for attorney fees under 42 U.S.C. § 406(b) in a Social Security appeal. The court awards \$19,782.50, representing 25% of the claimant's past-due benefits, and directs the estate to refund \$3,035.85 in previously awarded EAJA fees to the claimant.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                      |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Middle District of Florida                                                                                                                                                                                                      |
| WRITING FOR THE COURT | James R. Klindt                                                                                                                                                                                                                                                      |
| JURISDICTION          | United States District Court for the Middle District of Florida                                                                                                                                                                                                      |
| DECIDED               | January 28, 2026                                                                                                                                                                                                                                                     |
| DOCKET                | 8:21-cv-2960-JRK                                                                                                                                                                                                                                                     |
| DISPOSITION           | other                                                                                                                                                                                                                                                                |
| PROCEDURAL POSTURE    | The court considered the Estate of Martin Cohen's motion for an award of attorney fees under 42 U.S.C. § 406(b) after the court had reversed the Commissioner's denial of Social Security benefits and remanded for further administrative proceedings.              |
| STANDARD OF REVIEW    | The district court independently reviews the reasonableness of a contingent-fee agreement and assesses the quality of representation, results achieved, any attorney-caused delay, the relationship between the award and time spent, and the likelihood of success. |
| PRECEDENTIAL VALUE    | Unknown                                                                                                                                                                                                                                                              |

TOPICS

attorney fees    judicial review of agency action    remedies    civil procedure

PRACTICE AREAS

Social Security    attorney fees    administrative law    federal civil procedure

## QUESTIONS PRESENTED

1. Whether the Estate of former counsel was entitled to an award of \$19,782.50 under 42 U.S.C. § 406(b).
2. Whether the requested contingent fee was reasonable in light of the fee agreement, the quality of representation, the results achieved, and the applicable statutory limit.
3. Whether the Estate was required to refund the previously awarded EAJA fees to Plaintiff.

## HOLDINGS

1. The court may award a reasonable fee for successful representation before the court, subject to the statutory ceiling of twenty-five percent of the claimant's past-due benefits, and the requested \$19,782.50 fee was reasonable and due to be awarded.
2. The Estate must refund to Plaintiff the \$3,035.85 previously received under the Equal Access to Justice Act.

## KEY QUOTATIONS

*“The statute does not impose a twenty-five percent cap on the aggregate of attorney’s fees awarded under § 406(a)—which are awarded for work done at the administrative level—and § 406(b).”* (1)

*“The burden is on the attorney to “show that the fee sought is reasonable for the services rendered.”*” (2)

*“Additionally, an attorney who successfully claims both EAJA fees from the United States and an award under 42 U.S.C. § 406(b) must refund “to the claimant the amount of the smaller fee.”*” (3)

## FACTUAL BACKGROUND

Plaintiff's former counsel successfully represented her in federal court in an appeal from the denial of Social Security benefits. Following reversal and remand, Plaintiff received \$89,702.00 in past-due benefits, and the fee agreement provided for twenty-five percent of those benefits. The Estate sought \$19,782.50 under § 406(b), and acknowledged that it would refund \$3,035.85 in EAJA fees previously received on Plaintiff's behalf if the § 406(b) award was granted.

## PROCEDURAL HISTORY

Previous counsel represented Plaintiff in an appeal from the Commissioner's denial of Social Security benefits. This Court reversed the Commissioner's decision and remanded for further administrative proceedings, which resulted in an award of \$89,702.00 in past-due benefits. The Estate of former counsel Martin J. Cohen then sought \$19,782.50 under § 406(b), representing twenty-five percent of the past-due benefits withheld for attorney fees. The court granted the motion and directed the Estate to refund \$3,035.85 in previously awarded EAJA fees to Plaintiff.

## DISPOSITION

other

## CASES CITED

- Culbertson v. Berryhill, 586 U.S. 53, 54 (2019)
- Gisbrecht v. Barnhart, 535 U.S. 789, 796, 805, 807-08 (2002)
- Coppett v. Barnhart, 242 F. Supp. 2d 1380, 1383 (S.D. Ga. 2003)
- Wells v. Sullivan, 907 F.2d 367, 371-72 (2d Cir. 1990)
- McGuire v. Sullivan, 873 F.2d 974, 981, 983 (7th Cir. 1989)

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