

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
INDIANA, SOUTH BEND DIVISION

Scott A. Mangus v. Frank Bisignano, Commissioner of Social Security

Mangus · No. 3:22-cv-865 · Decided February 24, 2026

SUMMARY

The United States District Court for the Northern District of Indiana grants attorney Matthew F. Richter’s motion for fees under 42 U.S.C. § 406(b) following the remand and successful resolution of Scott A. Mangus’s Social Security disability claim. The court awards \$14,310.00, finding the requested fee reasonable, and orders counsel to refund the previously awarded \$1,681.50 in Equal Access to Justice Act fees to the plaintiff.

CASE DETAILS

COURT	United States District Court for the Northern District of Indiana, South Bend Division
WRITING FOR THE COURT	Andrew P. Rodovich
JURISDICTION	United States District Court for the Northern District of Indiana, South Bend Division
DECIDED	February 24, 2026
DOCKET	3:22-cv-865
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff's counsel moved under 42 U.S.C. § 406(b) for authorization of attorney fees for successful representation in federal court in a Social Security disability case.
STANDARD OF REVIEW	Reasonableness review of a requested attorney-fee award under 42 U.S.C. § 406(b), considering the character of the representation, the results achieved, any unjustifiable delay, and whether the time expended is excessive in relation to the past-due benefits.
PRECEDENTIAL VALUE	Unknown; unpublished district court opinion and order
PARTIES	Scott A. Mangus v. Frank Bisignano, Commissioner of Social Security

TOPICS

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

PRACTICE AREAS

Social Security

administrative law

attorney fees

civil procedure

QUESTIONS PRESENTED

1. Whether the requested attorney fee under 42 U.S.C. § 406(b) was reasonable and within the statutory 25-percent limitation.
2. Whether counsel was required to refund or offset the previously awarded EAJA fees after receiving a § 406(b) award.

HOLDINGS

1. A court may award a reasonable fee for successful federal-court representation under § 406(b), subject to the 25-percent cap on past-due benefits, and the requested \$14,310.00 fee was reasonable under the circumstances.
2. Counsel receiving both EAJA fees and § 406(b) fees must refund the smaller EAJA fee to the claimant or subtract it from the § 406(b) award; here, counsel was ordered to refund \$1,681.50 to Mangus upon receipt of the § 406(b) fees.

KEY QUOTATIONS

“The reasonableness analysis considers the ‘character of the representation and the results achieved.’”
(Discussion)

“Counsel cannot recover fees under both the EAJA and § 406(b), so they must either refund the EAJA award or subtract that amount from the § 406(b) request.” (Discussion)

FACTUAL BACKGROUND

Mangus applied for Title II disability benefits and SSI on October 28, 2019, alleging disability beginning that day. The agency issued an unfavorable decision, and the Appeals Council denied review. After the district court remanded the matter, an administrative law judge approved the claim and the agency awarded \$57,240.00 in past-due benefits. Mangus had agreed to pay counsel 25 percent of past-due benefits, and counsel sought \$14,310.00 under § 406(b) for 7.6 hours of federal-court representation.

PROCEDURAL HISTORY

The Social Security Administration denied Mangus's application for Title II disability benefits and SSI, and the Appeals Council denied review. Mangus sought judicial review, and the district court granted the Commissioner's unopposed motion to remand. On remand, an administrative law judge approved the claim and the agency awarded \$57,240.00 in past-due benefits. After previously awarding \$1,681.50 in EAJA fees, the court granted counsel's § 406(b) fee motion and ordered counsel to refund the EAJA award to Mangus upon receipt of the § 406(b) fees.

DISPOSITION

other

CASES CITED

- Culbertson v. Berryhill, 139 S. Ct. 517, 520 (2019)
- Gisbrecht v. Barnhart, 535 U.S. 789, 792, 794, 796, 808 (2002)
- Long v. Saul, 2021 WL 2588110, at *1 (N.D. Ind. June 24, 2021)
- Ringle v. Kijakazi, 2021 WL 3550892, at *1 (N.D. Ind. Aug. 11, 2021)
- Lugar v. Commissioner of Social Security, 2024 WL 3518612, at *1 (N.D. Ind. July 22, 2024)

OPINION

Mangus

PER CURIAM.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF INDIANA

SOUTH BEND DIVISION

SCOTT A. MANGUS,)

) Plaintiff,)) Civil Action No. 3:22-cv-865 v.))

FRANK BISIGNANO1,)

Commissioner of Social Security,)) Defendant.)

OPINION AND ORDER

This matter is before the court on the First Motion for Attorney Fees pursuant to 42 U.S.C. § 406(b) [DE 33] filed by Matthew F. Richter, counsel for the plaintiff, Scott A. Mangus, on February 5, 2026. Defendant filed a Response [DE 36] indicating that the Agency neither agreed nor disagreed that Plaintiff’s counsel should be awarded fees pursuant to Section 406(b). For the following reasons, the Motion [DE 33] is GRANTED. Background Plaintiff Scott A. Mangus filed an application for Title II Disability Benefits and Supplemental Security Income (“SSI”) on October 28, 2019, alleging a disability onset date of October 28, 2019. [DE 34]. The Agency entered an unfavorable decision on February 3, 2022. Id. Plaintiff challenged the Administrative Law Judge’s decision by filing a Request for Review 1 Frank Bisignano was confirmed as Commissioner on May 6, 2025. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Frank Bisignano should be substituted as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g). with the Appeals Council. Id. The Appeals Council issued its decision denying Plaintiff’s request for review on August 8, 2022, making the Administrative Law Judge’s decision the final Agency decision. Id. Plaintiff initiated civil action in this court for judicial review of the denial of her application for benefits on October 12, 2022. [DE 1]. The Commissioner filed an unopposed Motion to Remand [DE 27], and the court reversed and

remanded the decision of the Commissioner on June 23, 2023. [DE 28]. Following this court's remand, an Administrative Law Judge approved Plaintiff's claim for benefits. [DE 34-2]. The Social Security Administration issued a Notice of Award letter dated April 16, 2024. Plaintiff was awarded past-due benefits in the amount of \$57,240.00. [DE 34]. Plaintiff agreed to pay Attorney Richter 25% of all past-due benefits awarded to him and any beneficiaries by the Administration. [DE 34-1]. Plaintiff filed a Motion for Attorney Fees under the Equal Access to Justice Act ("EAJA") in May of 2024. [DE 30]. The Commissioner filed a Response [DE 31] stating that there was no objection. On September 22, 2023, the court granted the request and awarded Plaintiff \$1,681.50 for attorney fees in full satisfaction of all claims under the EAJA, 28 U.S.C. § 2412. [DE 32]. Attorney Richter asks the court to authorize an award of attorney fees in the total amount of \$14,310.00 pursuant to 42 U.S.C. § 406(b). The motion is ripe for ruling. Discussion The Social Security Act allows for a reasonable fee to be awarded both for representation at the administrative level, see 42 U.S.C. § 406(a), as well as representation before the court, see 42 U.S.C. § 406(b). See *Culbertson v. Berryhill*, 139 S. Ct. 517, 520 (2019) (quoting *Gisbrecht v. Barnhart*, 535 U.S. 789, 794 (2002)). Under § 406(b), the court may award a reasonable fee to the attorney who has successfully represented the claimant in federal court, not to exceed twenty-five percent of the past-due benefits to which the social security claimant is entitled. 42 U.S.C. § 406(b)(1)(A); *Gisbrecht*, 535 U.S. at 792. "The reasonableness analysis considers the 'character of the representation and the results achieved.'" *Gisbrecht*, 535 U.S. at 808. The award may be reduced because of an attorney's unjustifiable delay or if the amount of time an attorney has spent on a case is excessive in comparison to the past-due benefits. *Gisbrecht*, 535 U.S. at 808. Counsel cannot recover fees under both the EAJA and § 406(b), so they must either refund the EAJA award or subtract that amount from the § 406(b) request. See *Gisbrecht*, 535 U.S. at 796 (explaining that "an EAJA award offsets an award under Section 406(b)"). Attorney Richter requests an attorney fee in the amount of \$14,130.00 and contends that the requested fee award is reasonable for the 7.6 hours of legal work he spent representing Plaintiff in federal court. [DE 34]. Attorney Richter's total requested fee amounts to an hourly rate of \$1,882.89 for attorney time. This calculated rate is within the bounds of reasonableness in this district especially considering that these cases are taken on a contingent fee basis. See *Long v. Saul*, 2021 WL 2588110, at *1 (N.D. Ind. June 24, 2021) (awarding a fee equating to \$1,711.96 per hour); *Ringle v. Kijakazi*, 2021 WL 3550892, at *1 (N.D. Ind. Aug. 11, 2021) (awarding fee equating to \$1,923.00 per hour). As referenced in *Ringle v. Kijakazi*, this fee is "on the high end of the range normally awarded." *Id.* Furthermore, there is no indication of delay in this case. Accordingly, the court finds that the requested fee is reasonable. Fee awards may be made under both the EAJA and § 406(b), but the claimant's attorney must refund the amount of the smaller fee or subtract it from the total fees awarded under § 406(b). *Gisbrecht*, 535 U.S. at 789; *Lugar v. Comm'r of Soc. Sec.*, 2024 WL 3518612, at *1 (N.D. Ind. July 22, 2024). Attorney Richter has acknowledged that Plaintiff is entitled to a refund of the \$1,681.50 EAJA award that he received. [DE 34]. Based on the foregoing reasons, the court

GRANTS the Motion [DE 33] and AWARDS fees to Attorney Matthew F. Richter in the total amount of \$14,310.00. The court ORDERS Attorney Richter to refund the plaintiff, Scott A. Mangus, the total amount of the previously awarded EAJA fees, \$1,681.50, upon receipt of the \$406(b) fees awarded by the court. ENTERED this 24th day of February, 2026. /s/ Andrew P. Rodovich United States Magistrate Judge