

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PRECEDENTIAL VALUE	Unknown; unpublished district court opinion and order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)

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