

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
INDIANA, FORT WAYNE DIVISION

David C. Haenner v. Commissioner of Social Security, sued as Frank
Bisignano, Commissioner of the Social Security Administration

Haenner · No. 1:23-cv-00243-PPS-ALT · Decided February 23, 2026

SUMMARY

The court grants counsel’s motion for attorney fees under 42 U.S.C. § 406(b) following a remand and subsequent award of Social Security disability benefits. It authorizes \$36,083.25, representing 25 percent of the claimant’s \$144,333.00 in past-due benefits, and finds the requested fee reasonable. Counsel must refund the previously awarded EAJA attorney fees and costs to the claimant.

CASE DETAILS

COURT	United States District Court for the Northern District of Indiana, Fort Wayne Division
WRITING FOR THE COURT	Philip P. Simon
JURISDICTION	United States District Court for the Northern District of Indiana, Fort Wayne Division
DECIDED	February 23, 2026
DOCKET	1:23-cv-00243-PPS-ALT
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff's counsel moved under 42 U.S.C. § 406(b) for authorization of attorney fees following a successful Social Security appeal that resulted in reversal and remand and a subsequent award of past-due benefits.
STANDARD OF REVIEW	The court evaluates whether the requested contingent fee is reasonable under 42 U.S.C. § 406(b), considering the fee agreement, the character of the representation, the results achieved, any attorney-caused delay, and the effective hourly rate.
PRECEDENTIAL VALUE	unpublished
PARTIES	David C. Haenner v. Commissioner of Social Security, sued as Frank Bisignano, Commissioner of the Social Security Administration

TOPICS

attorney fees administrative law civil procedure remedies

PRACTICE AREAS

Social Security attorney fees administrative law civil procedure

QUESTIONS PRESENTED

1. Whether counsel's requested fee of \$36,083.25 was reasonable and within the 25-percent limitation imposed by 42 U.S.C. § 406(b)(1)(A).
2. Whether counsel was required to refund the previously awarded EAJA fees and costs to Haenner after receiving the § 406(b) fee.

HOLDINGS

1. A court may authorize a contingent § 406(b) fee when it does not exceed 25 percent of the claimant's past-due benefits and is reasonable in light of the fee agreement, the character of the representation, the results achieved, any attorney-caused delay, and the circumstances of the effective hourly rate. The requested \$36,083.25 fee was within the statutory cap and reasonable under the circumstances.
2. When counsel receives both EAJA fees and a § 406(b) fee award, counsel must refund to the claimant the amount of the smaller fee; here, counsel must refund the \$3,960.38 in EAJA attorney fees and the \$402.00 in EAJA costs.

KEY QUOTATIONS

“Congress has provided one boundary line: Agreements are unenforceable to the extent that they provide for fees exceeding 25 percent of the past-due benefits. Within [that] boundary, . . . the attorney for the successful claimant must show that the fee sought is reasonable for the services rendered.” (at 807)

“For the foregoing reasons, Counsel’s motion for attorney fees pursuant to 42 U.S.C. § 406(b) (ECF 27) is GRANTED in the amount of \$36,083.25. Counsel is reminded of their duty to refund the \$3,960.38 for EAJA attorney fees and \$402.00 in costs to Haenner which were previously awarded to Counsel.” (Conclusion)

FACTUAL BACKGROUND

Haenner retained counsel under a contingent-fee agreement providing for 25 percent of any past-due benefits awarded for federal-court representation. The court remanded Haenner's disability-benefits claim, and the Commissioner subsequently found him disabled and awarded \$144,333.00 in past-due benefits. Counsel sought \$36,083.25, representing exactly 25 percent of those benefits, for 17.9 hours of federal-court work, and had previously received \$3,960.38 in EAJA fees and \$402.00 in costs.

PROCEDURAL HISTORY

Haenner filed the action on June 13, 2023, challenging the Commissioner's denial of disability benefits. On February 12, 2024, the court granted the Commissioner's motion for reversal with remand. The court later

awarded counsel \$3,960.38 in EAJA attorney fees and \$402.00 in costs. After the Commissioner awarded Haenner \$144,333.00 in past-due benefits, counsel moved for \$36,083.25 in fees under § 406(b).

DISPOSITION

other

CASES CITED

- La-Toya R. v. Bisignano, No. 1:24-cv-01564-JMS-TAB, 2025 WL 1413807 (S.D. Ind. May 15, 2025)
- Gisbrecht v. Barnhart, 535 U.S. 789 (2002)
- Culbertson v. Berryhill, 139 S. Ct. 517, 523 (2019)
- Smith v. Bowen, 815 F.2d 1152, 1156 (7th Cir. 1987)
- Lopes v. Saul, No. 3:17-CV-221-RLM-MGG, 2019 WL 5617044, at *1 (N.D. Ind. Oct. 31, 2019)
- Hussar-Nelson v. Barnhart, No. 99 C 0987, 2002 WL 31664488, at *3 (N.D. Ill. Nov. 22, 2002)
- Crawford v. Astrue, 586 F.3d 1142, 1152 (9th Cir. 2009)
- Plummer v. O'Malley, No. 1:23-CV-85-TLS, 2024 WL 4880436, at *2 (N.D. Ind. Nov. 22, 2024)
- O'Donnell v. Saul, 983 F.3d 950, 953 (7th Cir. 2020)