

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Janessica Pimentel Sanchez v. Commissioner of Social Security

Sanchez · No. 1:21-cv-01177-SAB · Decided July 30, 2025

SUMMARY

The United States District Court for the Eastern District of California granted counsel’s motion for \$11,200 in attorney fees under 42 U.S.C. § 406(b) following a Sentence Six remand and a fully favorable Social Security disability decision. The court found the requested fee reasonable in light of the contingent-fee agreement, the benefits obtained, and the absence of dilatory conduct or substandard performance. The court denied counsel’s request to refund only part of the previously awarded EAJA fees and ordered a full refund of \$6,800 to the plaintiff.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Stanley A. Boone
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	July 30, 2025
DOCKET	1:21-cv-01177-SAB
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner's motion for attorney fees under 42 U.S.C. § 406(b) and request for partial reimbursement of previously awarded EAJA fees following a Sentence Six remand and a favorable administrative decision.
STANDARD OF REVIEW	The court independently reviewed the contingent-fee agreement and the requested § 406(b) fee to determine whether the award would produce a reasonable result, considering the character of the representation, results achieved, counsel's performance, delay, and whether the fee was excessive in relation to the benefits obtained.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential
PARTIES	Janessica Pimentel Sanchez v. 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 counsel's requested \$11,200 attorney-fee award under 42 U.S.C. § 406(b) was reasonable.
2. Whether counsel was required to refund the entire \$6,800 EAJA award or only the portion attributable to work performed in the district court.

HOLDINGS

1. The requested \$11,200 § 406(b) fee was reasonable and did not require reduction because it represented approximately eight percent of the past-due benefits, was substantially below the contingent-fee agreement's 25 percent amount, and the record did not show substandard performance, undue delay, or an impermissible windfall.
2. When counsel receives fees under both § 406(b) and the EAJA for the same Social Security claim, counsel must refund the smaller fee to the claimant; here, counsel was required to refund the entire \$6,800 EAJA award rather than only \$1,100.

KEY QUOTATIONS

“The district court reviews a petition for section 406(b) fees “as an independent check” to assure that the contingency fee agreements between the claimant and the attorney will “yield reasonable results in particular cases.”” (Opinion at 8)

“where the claimant’s attorney receives fees for the same work under both § 406(b) and the EAJA, then “the claimant’s attorney refunds to the claimant the amount of the smaller fee.”” (Opinion at 17)

“We therefore hold that if a court awards attorney fees under § 2412(d) [EAJA] for the representation of a Social Security claimant on an action for past-due benefits, and also awards attorney fees under § 406(b)(1) for representation of the same claimant in connection with the same claim, the claimant’s attorney ‘receives fees for the same work’ under both § 2412(d) and § 406(b)(1) for purposes of the EAJA savings provision.” (Opinion at 19)

FACTUAL BACKGROUND

Sanchez entered into a contingent-fee agreement providing for fees based on 25 percent of past-due benefits if judicial review was required and benefits were obtained. Her federal action was remanded under Sentence Six because the administrative hearing recording was inaudible, and she later received a fully favorable disability determination and \$137,514 in past-due benefits. The Social Security Administration withheld 25 percent of the past-due benefits for fees, and counsel sought \$11,200 under § 406(b), while asking to refund only \$1,100 of the \$6,800 EAJA award.

PROCEDURAL HISTORY

Sanchez filed an action challenging the denial of Social Security benefits. The parties stipulated to a Sentence Six remand because the administrative hearing recording was inaudible, and the court remanded the matter on December 29, 2021. After remand, an ALJ issued a fully favorable decision, the case was reopened, and final judgment was entered for Sanchez. The court previously awarded \$6,800 in EAJA fees. Counsel then sought \$11,200 under § 406(b) and requested that only \$1,100 of the EAJA award be refunded; the court granted the § 406(b) request but required a full \$6,800 refund.

DISPOSITION

other

CASES CITED

- *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002)
- *Crawford v. Astrue*, 586 F.3d 1142 (9th Cir. 2009)
- *Hearn v. Barnhart*, 262 F. Supp. 2d 1033 (N.D. Cal. 2003)
- *Bolla v. King*, 2025 WL 864642 (C.D. Cal. Jan. 29, 2025)
- *Joanne F. v. Commissioner of Social Security*, 2023 WL 7127663 (D. Or. Oct. 30, 2023)
- *Steven M. v. Commissioner, Social Security Administration*, 2020 WL 249990 (D. Or. Jan. 16, 2020)
- *Brazile v. Commissioner of Social Security*, 2022 WL 503779 (W.D. Wash. Feb. 18, 2022)
- *Garcia v. O'Malley*, 2024 WL 1118782 (E.D. Cal. Mar. 14, 2024)
- *Jacomet v. Commissioner of Social Security*
- *Castillo v. Kijakazi*, 2023 WL 12090215 (C.D. Cal. June 8, 2023)
- *Chapa v. Astrue*, 814 F. Supp. 2d 957 (C.D. Cal. 2011)
- *Morales v. Colvin*, 2015 WL 276682 (C.D. Cal. Jan. 22, 2015)
- *Parrish v. Commissioner*, 698 F.3d 1215 (9th Cir. 2012)
- *Lang v. O'Malley*, 2024 WL 1575475 (E.D. Cal. Apr. 11, 2024)
- *Hoover v. Saul*, 2020 WL 528848 (E.D. Cal. Feb. 3, 2020)
- *Madrid v. Commissioner of Social Security*, 2022 WL 1499303 (E.D. Cal. May 12, 2022), report and recommendation adopted, 2022 WL 2757624 (E.D. Cal. July 14, 2022)
- *Gutierrez v. Commissioner of Social Security*, 2018 WL 4090598 (E.D. Cal. Aug. 27, 2018)
- *Rice v. Astrue*, 609 F.3d 831 (5th Cir. 2010)

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