

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF CONNECTICUT

Jennifer L. R. v. Frank Bisignano, Commissioner of Social Security

Jennifer L. R. · No. 3:24-CV-01382 (MEG) · Decided February 4, 2026

SUMMARY

The United States District Court for the District of Connecticut grants Plaintiff’s motion for approval of attorney’s fees under 42 U.S.C. § 406(b). The court approves \$25,449.00 in fees from withheld past-due benefits, finding the amount reasonable and not a windfall, and directs counsel to refund previously awarded EAJA fees and \$9,200 in benefits received directly from the Social Security Administration.

CASE DETAILS

COURT	United States District Court for the District of Connecticut
WRITING FOR THE COURT	Maria E. Garcia
JURISDICTION	United States District Court for the District of Connecticut
DECIDED	February 4, 2026
DOCKET	3:24-CV-01382 (MEG)
DISPOSITION	approved
PROCEDURAL POSTURE	Plaintiff moved for approval of attorney's fees under 42 U.S.C. § 406(b)(1)(A) following a favorable agency disability determination after two sentence-four remands. The court granted the motion and ordered payment of \$25,449.00 from withheld past-due benefits, subject to refunds to the plaintiff.
STANDARD OF REVIEW	The court independently reviewed the requested contingent fee for reasonableness under 42 U.S.C. § 406(b), including whether it exceeded the statutory 25 percent cap, resulted from fraud or overreaching, or constituted a windfall. The order is reviewable under the clearly erroneous standard pursuant to 28 U.S.C. § 636(b)(1)(A), Federal Rule of Civil Procedure 72(a), and District of Connecticut Local Civil Rule 72.2.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

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

PRACTICE AREAS

Social Security

administrative law

attorney fees

civil procedure

QUESTIONS PRESENTED

1. Whether the motion for approval of attorney's fees under 42 U.S.C. § 406(b) was timely.
2. Whether the contingent fee agreement and requested fee of \$25,449.00 were reasonable under § 406(b), rather than excessive, the product of fraud or overreaching, or a windfall.
3. Whether counsel was required to refund the previously awarded EAJA fee and the \$9,200.00 payment received from withheld past-due benefits to plaintiff.

HOLDINGS

1. The fee motion was timely because it was filed within 14 days after the Administration's notice of award, calculated with the applicable presumption that notice is received three days after mailing.
2. A contingent fee equal to 25 percent of past-due benefits may be approved when the attorney demonstrates that it is reasonable for the services rendered and does not constitute a windfall.
3. Counsel must refund to plaintiff the previously awarded EAJA fee of \$4,553.96 and the \$9,200.00 payment received directly from withheld past-due benefits.

KEY QUOTATIONS

“§ 406(b) calls for court review of [contingent-fee] arrangements as an independent check, to assure that they yield reasonable results in particular cases.” (III)

“Within the 25 percent boundary, . . . the attorney for the successful claimant must show that the fee sought is reasonable for the services rendered.” (III)

FACTUAL BACKGROUND

Plaintiff sought Social Security disability benefits based on an alleged disability onset date of June 25, 2017. Her claim was denied multiple times, and counsel represented her in federal judicial-review proceedings that resulted in two sentence-four remands. After a third administrative hearing, the ALJ found plaintiff disabled as of June 25, 2017 and awarded past-due benefits of \$101,796.00. Counsel sought \$25,449.00, representing 25 percent of the past-due benefits, after previously receiving \$9,200.00 from withheld benefits and an EAJA award of \$4,553.96.

PROCEDURAL HISTORY

Plaintiff's disability application was denied at the agency level and by an administrative law judge. In the first federal action, the court entered a sentence-four remand, and counsel received an EAJA fee award of \$4,553.96. After a second agency denial, plaintiff filed this court action; the Commissioner consented to remand, and judgment entered on October 24, 2024. Following a third administrative hearing, the ALJ issued a fully favorable decision, and plaintiff moved for § 406(b) fees. The court found the motion timely and the requested fee reasonable.

DISPOSITION

approved

CASES CITED

- Sinkler v. Berryhill, 932 F.3d 83, 85, 89 n.5 (2d Cir. 2019)
- Gisbrecht v. Barnhart, 535 U.S. 789, 796, 807-08 (2002)
- Mix v. Comm'r of Soc. Sec., No. 6:14-CV-06219 (MAT), 2017 WL 2222247, at *2 (W.D.N.Y. May 22, 2017)
- Wells v. Sullivan, 907 F.2d 367, 371-72 (2d Cir. 1990)
- Fields v. Kijakazi, 24 F.4th 845, 854-56 (2d Cir. 2022)
- Sue-Anne O. M. v. Kijakazi, No. 3:20-CV-00301 (MEG), 2023 WL 3737712, at *3 (D. Conn. May 31, 2023)
- Bate v. Berryhill, No. 18-CV-1229 (ER), 2020 WL 728784, at *3 (S.D.N.Y. Feb. 13, 2020)
- Valle v. Colvin, No. 13-CV-2876 (JPO), 2019 WL 2118841, at *3 (S.D.N.Y. May 15, 2019)
- Buckley v. Berryhill, 15-CV-0341-A, 2018 WL 3368434, at *2 (W.D.N.Y. July 10, 2018)
- Vainwright v. Berryhill, No. 3:15CV01025 (JCH)(SALM), 2017 WL 3493608, at *3 (D. Conn. Aug. 15, 2017)

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