

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Noel Jorgensen v. Frank Bisignano, Commissioner of Social Security

Jorgensen · No. 3:20-cv-15832 · Decided January 20, 2026

SUMMARY

The United States District Court for the District of New Jersey grants Plaintiff’s motion for attorney’s fees under 42 U.S.C. § 406(b)(1)(A) following a favorable Social Security disability benefits decision on remand. The court awards Bryan Konoski, Esq. \$20,981.50, representing 25% of Plaintiff’s past-due benefits, and directs counsel to remit the previously awarded \$9,000.00 Equal Access to Justice Act fee to Plaintiff. The court finds the requested fee reasonable based on the contingency agreement, counsel’s time, the results achieved, and the absence of attorney-caused delay.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Norah McCann King
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	January 20, 2026
DOCKET	3:20-cv-15832
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for an attorney's fee under 42 U.S.C. § 406(b)(1) after prevailing in judicial review of the denial of Social Security Disability Insurance benefits and obtaining past-due benefits on remand.
STANDARD OF REVIEW	The Court evaluated the requested fee for reasonableness under 42 U.S.C. § 406(b)(1)(A), considering the character of the representation, results achieved, counsel's responsibility for delay, the relationship between the benefits and time expended, and the risk inherent in contingency representation.
PRECEDENTIAL VALUE	Unknown; district court opinion addressing a fee motion under 42 U.S.C. § 406(b).
PARTIES	Noel Jorgensen 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

judicial review of agency action

QUESTIONS PRESENTED

1. Whether a fee of \$20,981.50, representing 25 percent of Plaintiff's past-due Social Security benefits, was reasonable and permissible under 42 U.S.C. § 406(b)(1)(A).
2. Whether counsel was required to remit the previously awarded \$9,000.00 Equal Access to Justice Act fee to Plaintiff upon receipt of the § 406(b) fee.

HOLDINGS

1. A fee of \$20,981.50, equal to 25 percent of Plaintiff's past-due benefits, was reasonable under 42 U.S.C. § 406(b)(1)(A).
2. Upon receipt of the § 406(b) fee, Plaintiff's counsel must remit the previously awarded \$9,000.00 EAJA fee to Plaintiff.

KEY QUOTATIONS

“Contingency fee arrangements are “the primary means by which fees are set for successfully representing Social Security benefits claimants in court.”” (Opinion and Order)

FACTUAL BACKGROUND

Plaintiff applied for Disability Insurance Benefits in 2017 and retained Bryan Konoski, Esq., to challenge the administrative denial in federal court. After remand, Plaintiff received a fully favorable decision and \$83,926.00 in past-due benefits. The fee agreement authorized 25 percent of past-due benefits, and counsel reported 76.7 hours spent representing Plaintiff before the Court.

PROCEDURAL HISTORY

Plaintiff challenged the administrative denial of his application for Disability Insurance Benefits in this Court. In March 2022, the Court reversed the Commissioner's decision and remanded for further proceedings. Plaintiff then obtained a fully favorable decision and \$83,926.00 in past-due benefits, from which \$20,981.50, representing 25 percent, was withheld for representative fees. The Court granted Plaintiff's motion for the § 406(b) fee and directed counsel to remit the previously awarded \$9,000.00 EAJA fee to Plaintiff.

DISPOSITION

other

REMAND INSTRUCTIONS

No new remand was ordered. Counsel was directed to remit the previously awarded \$9,000.00 EAJA fee to Plaintiff upon receipt of the \$20,981.50 § 406(b) fee.

CASES CITED

- *Gisbrecht v. Barnhart*, 535 U.S. 789, 807-08 (2002)
- *Tschudy v. Comm'r of Soc. Sec.*, No. 18-3424, 2020 WL 3316403, at *1 (D.N.J. June 18, 2020)

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