

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
INDIANA

Danielle C. v. Frank J. Bisignano, Commissioner of the Social
Security Administration

Danielle C. · No. 4:21-cv-00195-JMS-DML · Decided March 6, 2026

SUMMARY

The United States District Court for the Southern District of Indiana granted Danielle C.'s motion for attorneys' fees under 42 U.S.C. § 406(b) following a remand and favorable Social Security disability benefits determination. The court approved \$21,605, representing 25% of the claimant's past-due benefits, and directed the Commissioner to pay the amount directly from those benefits to counsel. The court also required counsel to refund the previously awarded \$1,460.25 in EAJA fees if counsel ultimately receives that amount and prohibited counsel from seeking additional fees under § 406(a).

CASE DETAILS

COURT	United States District Court for the Southern District of Indiana
WRITING FOR THE COURT	Jane Magnus-Stinson
JURISDICTION	United States District Court for the Southern District of Indiana
DECIDED	March 6, 2026
DOCKET	4:21-cv-00195-JMS-DML
DISPOSITION	other
PROCEDURAL POSTURE	After remanding a Social Security benefits appeal to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g), the court considered the claimant's motion for attorney's fees under 42 U.S.C. § 406(b).
STANDARD OF REVIEW	The court independently reviewed the contingent-fee request to determine whether the requested § 406(b) fee was reasonable under <i>Gisbrecht</i> , considering the quality of representation, results achieved, attorney-caused delay, and whether the fee would constitute a windfall.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential
PARTIES	Danielle C. v. Frank J. Bisignano, Commissioner of the Social Security Administration

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 claimant's counsel was entitled to a reasonable attorney's fee under 42 U.S.C. § 406(b) based on 25% of the claimant's past-due benefits.
2. Whether the requested \$21,605 fee was reasonable under the factors identified in *Gisbrecht v. Barnhart*.
3. Whether counsel was required to refund the previously awarded EAJA fees if he ultimately received them.
4. Whether the § 406(b) award should be treated as the final payment of fees owed in the case under § 406 and preclude further fees under § 406(a).

HOLDINGS

1. A court may award a reasonable fee to a claimant's attorney for successful federal-court representation in a Social Security disability benefits appeal, subject to the statutory cap of 25% of the claimant's past-due benefits.
2. The requested \$21,605 fee was reasonable and did not constitute a windfall.
3. When counsel receives both an EAJA fee award and a § 406(b) fee award for the same representation, counsel must refund the smaller award to the claimant.
4. The \$21,605 award was the final payment of all fees owed in the case under § 406, and counsel could not seek further fees under § 406(a).

KEY QUOTATIONS

“as an independent check, to assure that they yield reasonable results in particular cases.” (*Gisbrecht*, 535 U.S. at 807)

“The award of \$21,605 represents the final payment of all fees owed in this case under 42 U.S.C. § 406.”
(Conclusion)

FACTUAL BACKGROUND

Danielle C. obtained a favorable administrative decision after the federal court remanded her Social Security benefits case. The administrative decision awarded her \$86,420 in past-due benefits. Her contingent-fee agreement provided for payment of 25% of past-due benefits if counsel obtained a favorable outcome, and counsel sought \$21,605 for 6.6 hours of federal-court representation. Counsel also had previously received an EAJA fee award of \$1,460.25, which he was ordered to refund if he ultimately received it.

PROCEDURAL HISTORY

Danielle C. filed a complaint seeking review of the Commissioner's denial of benefits. The parties filed an agreed motion to remand, and the court remanded the case to the Social Security Administration on June 10, 2022. On remand, an Administrative Law Judge issued a favorable decision awarding \$86,420 in past-due benefits. The court had previously awarded \$1,460.25 in EAJA fees, and claimant's counsel then moved for \$21,605 in fees under § 406(b).

DISPOSITION

other

CASES CITED

- Koester v. Astrue, 482 F. Supp. 2d 1078, 1080 (E.D. Wis. 2007)
- Gisbrecht v. Barnhart, 535 U.S. 789, 795, 796, 807-08 (2002)
- Astrue v. Ratliff, 560 U.S. 586, 595-96 (2010)
- Caldwell v. Berryhill, 2017 WL 2181142, at *1 (S.D. Ind. May 18, 2017)
- O'Donnell v. Saul, 983 F.3d 950, 953, 957 (7th Cir. 2020)
- Jennifer M. A. v. Bisignano, Case No. 1:23-cv-00470-MKK-JRS, Filing No. 31 (S.D. Ind. Feb. 3, 2026)
- Plummer v. O'Malley, 2024 WL 4880436, at *2 (N.D. Ind. Nov. 22, 2024)
- Janet H. v. Saul, 2020 WL 6946471, at *4-5 (S.D. Ind. Nov. 25, 2020)
- Wattles v. Commissioner of Social Security, 2012 WL 169967, at *1 (C.D. Ill. Jan. 18, 2012)
- Hughes v. Commissioner of Social Security, 2019 WL 2408035, at *3 (N.D. Ind. May 30, 2019)