

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

Natasha M. v. Commissioner of Social Security

Natasha M. · No. 1:23-cv-00457-EAW · Decided April 16, 2026

SUMMARY

The United States District Court for the Western District of New York grants Plaintiff Natasha M.'s motion for attorneys' fees under 42 U.S.C. § 406(b). The court finds the requested fee of \$17,935.25 timely, within the statutory 25 percent cap, and reasonable, while requiring counsel to refund the previously awarded \$7,850.00 EAJA fee to Plaintiff.

CASE DETAILS

COURT	United States District Court for the Western District of New York
WRITING FOR THE COURT	Elizabeth A. Wolford
JURISDICTION	United States District Court for the Western District of New York
DECIDED	April 16, 2026
DOCKET	1:23-cv-00457-EAW
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for approval of attorneys’ fees under 42 U.S.C. § 406(b) after the court had remanded her Social Security claims and the Commissioner awarded past-due benefits.
STANDARD OF REVIEW	The court independently reviewed the requested contingent fee to determine whether it was reasonable under 42 U.S.C. § 406(b), including whether it exceeded the statutory cap or constituted a windfall.
PRECEDENTIAL VALUE	Unknown

TOPICS

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

PRACTICE AREAS

- Social Security
- administrative law
- attorneys’ fees
- civil procedure

QUESTIONS PRESENTED

1. Whether Plaintiff's motion for attorneys' fees under 42 U.S.C. § 406(b) was timely.
2. Whether the requested fee of \$17,935.25 was reasonable under § 406(b) and did not constitute a windfall.

HOLDINGS

1. A § 406(b) fee application is timely when filed within 14 days of notice of the Commissioner's benefits award, and Plaintiff's application filed 16 days after the notice was timely under the applicable three-day mailing presumption.
2. The requested attorneys' fee of \$17,935.25 was reasonable and allowable under § 406(b) because it was within the 25 percent statutory cap, was not the product of fraud or overreaching, and did not constitute a windfall.
3. When counsel receives fees under both the EAJA and § 406(b), counsel must refund to the claimant the amount of the smaller fee.

KEY QUOTATIONS

"Within the 25 percent boundary, . . . the attorney for the successful claimant must show that the fee sought is reasonable for the services rendered." (535 U.S. at 807)

"To the contrary, because section 406(b) requires an affirmative judicial finding that the fee allowed is 'reasonable,' the attorney bears the burden of persuasion that the statutory requirement has been satisfied." (535 U.S. at 807 n.17)

"payment for an attorney in a social security case is inevitably uncertain." (907 F.2d at 371)

"Fee awards may be made under both [EAJA and § 406(b)], but the claimant's attorney must refund to the claimant the amount of the smaller fee" (535 U.S. at 796)

FACTUAL BACKGROUND

Plaintiff sought judicial review of the Commissioner's denial of her applications for disability insurance benefits and supplemental security income. Following remand, the Commissioner issued a favorable decision and awarded \$71,741.00 in past-due benefits, withholding \$17,935.25, or 25 percent, for attorneys' fees. Counsel had previously received \$7,850.00 under the EAJA and agreed to refund that amount to Plaintiff.

PROCEDURAL HISTORY

Plaintiff filed an action seeking review of the Commissioner's denial of disability insurance benefits and supplemental security income. The court approved the parties' stipulation for remand, and Plaintiff later received a favorable benefits decision. After the Commissioner withheld \$17,935.25 from Plaintiff's past-due benefits for attorneys' fees, Plaintiff moved for approval of that amount under § 406(b). The court granted the motion and ordered counsel to refund the previously awarded \$7,850.00 EAJA fee to Plaintiff.

DISPOSITION

other

CASES CITED

- Sinkler v. Berryhill, 932 F.3d 83, 88-89 & n.5 (2d Cir. 2019)
- Gisbrecht v. Barnhart, 535 U.S. 789, 796, 807-08 & n.17 (2002)
- Mix v. Commissioner of Social Security, 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 & n.10 (2d Cir. 2022)
- Rebecca L.B. v. Commissioner of Social Security, 1:20-CV-425-JJM, 2025 WL 1318376, at *3 (W.D.N.Y. May 7, 2025)
- Jennifer W. v. Saul, 18-CV-493F, 2021 WL 1624288, at *3 (W.D.N.Y. Apr. 27, 2021)

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