

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON

Shaun Williams v. Commissioner of Social Security

No. 2:23-cv-672-RSM (W.D. Wash. Jan. 15, 2026) · No. 2:23-cv-672-RSM · Decided January 15, 2026

SUMMARY

The United States District Court for the Western District of Washington granted Plaintiff Shaun Williams’s motion for attorney fees under 42 U.S.C. § 406(b). The court awarded Plaintiff’s counsel \$21,925.05 from past-due Social Security benefits, subject to applicable processing fees, and noted the required treatment of the prior EAJA fee award.

CASE DETAILS

COURT	United States District Court for the Western District of Washington
WRITING FOR THE COURT	Ricardo S. Martinez
JURISDICTION	United States District Court for the Western District of Washington
DECIDED	January 15, 2026
DOCKET	2:23-cv-672-RSM
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for an award of attorney fees under 42 U.S.C. § 406(b) after obtaining a favorable judgment in a Social Security Title II matter.
STANDARD OF REVIEW	The court evaluated whether the requested § 406(b) fee was reasonable and within the statutory cap.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status not specified

TOPICS

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

PRACTICE AREAS

- Social Security
- administrative law
- attorney fees
- civil procedure

QUESTIONS PRESENTED

- Whether plaintiff's counsel was entitled to a reasonable attorney-fee award under 42 U.S.C. § 406(b).

2. Whether the requested fee complied with the statutory limitation that a § 406(b) fee not exceed 25 percent of the claimant's past-due benefits.
3. How the § 406(b) award should be reconciled with the prior EAJA fee award.

HOLDINGS

1. A court may award a reasonable fee to counsel who represented a successful Social Security Title II claimant before the court, subject to the requirements and limits of 42 U.S.C. § 406(b).
2. The requested § 406(b) fee was permissible because it was reasonable and did not exceed 25 percent of the claimant's total past-due benefits.
3. Fees may be awarded under both the EAJA and § 406(b), but counsel must refund to the claimant the amount of the smaller fee.

KEY QUOTATIONS

“The Court concludes that the request is reasonable within the meaning of § 406(b).” (2)

“Plaintiff’s Motion for Attorney Fees Pursuant to 42 U.S.C. § 406(b), Dkt. #18, is GRANTED.” (2)

FACTUAL BACKGROUND

Plaintiff's counsel represented him in a Social Security Title II proceeding and obtained a favorable judgment. The representation generated \$152,820.20 in past-due benefits, from which plaintiff sought to pay counsel a net § 406(b) fee of \$21,925.05. Counsel had also received a \$7,080 EAJA fee award, which was accounted for in the requested amount.

PROCEDURAL HISTORY

Plaintiff sought \$21,925.05 in net attorney fees from \$152,820.20 in past-due benefits. Plaintiff had previously received a \$7,080 Equal Access to Justice Act fee award. The Commissioner did not respond, and the court granted the motion while striking plaintiff's repeat motion and declaration filings.

DISPOSITION

other

CASES CITED

- Straw v. Bowen, 866 F.2d 1167 (9th Cir. 1989)
- Stenswick v. Bowen, 815 F.2d 519 (9th Cir. 1987)
- Gisbrecht v. Barnhart, 535 U.S. 789 (2002)
- Gisbrecht v. Barnhart, 535 U.S. 789, 796 (2002)

OPINION

1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE 9 SHAUN WILLIAMS, Case No. 2:23-cv-672-RSM 10 Plaintiff, ORDER
GRANTING PLAINTIFF'S 11 MOTION FOR ATTORNEY FEES v. PURSUANT TO 42 U.S.C.
§ 406(b) 12 COMMISSIONER OF SOCIAL SECURITY, 13 Defendant. 14 15 This matter comes
before the Court on Plaintiff's Motion for Attorney Fees under 42 16 U.S.C. § 406(b).

Dkt. #18. Plaintiff seeks fees in the net amount of \$21,925.05 out of 17 \$152,820.20 in past due
benefits. See Dkt. #19. This accounts for a previous Equal Access to 18 Justice Act ("EAJA") fee
award \$7,080. Id. Defendant did not respond to this Motion. See gen. 19 Dkt. 20 Attorney's fees
may be awarded to a successful social security claimant's counsel for his 21 or her representation
before a court pursuant to 42 U.S.C. § 406(b).

Straw v. Bowen, 866 F.2d 22 1167 (9th Cir. 1989). Plaintiff must apply to the Social Security
Administration for an award of 23 fees for representation at the administrative level. 42 U.S.C. §
406(a); Stenswick v. Bowen, 815 24 1 F.2d 519 (9th Cir. 1987).

Under 42 U.S.C. § 406(b), the Court may allow a reasonable fee for an attorney who represented a
Social Security Title II claimant before the Court and obtained a 2 favorable judgment, as long as
such fee is not in excess of 25% of the total past-due benefits. See 3 *Gisbrecht v. Barnhart*, 535
U.S. 789 (2002). 4 Fee awards may be made under both the EAJA and § 406(b), but the claimant's
attorney 5 must refund to the claimant the amount of the smaller fee.

See *Gisbrecht v. Barnhart*, 535 U.S. 6 789, 796 (2002). 7 The Court concludes that the request is
reasonable within the meaning of § 406(b). 8 Accordingly, having reviewed Plaintiff's Motion, the
exhibits and declarations attached thereto, 9 and the remainder of the record, the Court ORDERS
as follows: Plaintiff's Motion for Attorney 10 Fees Pursuant to 42 U.S.C. § 406(b), Dkt. #18, is
GRANTED.

Plaintiff's counsel is awarded 11 \$21,925.05 in attorney fees under 42 U.S.C. § 406(b). When
issuing the § 406(b) check for 12 payment to Plaintiff's attorney, the Commissioner is directed to
send to Plaintiff's attorney, 13 David P. Oliver at 4608 South 47th Street, Suite C, Tacoma, WA
98409, or via automatic deposit, 14 the net balance of \$21,925.05, less any applicable processing
fee prescribed by law.

The Court 15 STRIKES Plaintiff's repeat filings of the instant Motion, Dkt. #20, and declaration,
Dkt. #21. 16 17 DATED this 15th day of January, 2026. 18 A 19 20 RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE 21 22 23 24