

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

DERRICK W. BAIZE,

Plaintiff,

v.

CASE NO. 3:18-CV-73-MGG

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

OPINION AND ORDER

On February 23, 2021, one of Plaintiff's attorneys, Stephen Sloan ("the Petitioner"), filed his Unopposed Supplemental Petition for Attorney Fees Pursuant to § 206(b)(1). Through the instant Motion, the Petitioner seeks an additional award of attorney fees in the amount of \$11,900.25 related to the recent calculation of combined past-due auxiliary benefits. The Petitioner reports that the Commissioner has no objection to the instant petition. [DE 35 at 5, ¶ 12].

The Court has jurisdiction over this fee petition pursuant to [42 U.S.C. § 406\(b\)](#) as the Court remanded this case for further proceedings on October 22, 2018.<sup>1</sup> Since then, Plaintiff prevailed on remand when the Administrative Law Judge issued a favorable decision on September 26, 2019. The Commissioner's Office of Central Operations first calculated Plaintiff's past-due disability insurance benefits for which this Court has already awarded fees to the Petitioner. [[DE 34](#)]. On October 20, 2020, the Office of

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<sup>1</sup> The undersigned entered the October 2018 ruling in Plaintiff's case based upon the parties' consent under [28 U.S.C. § 636\(c\)](#). See also [42 U.S.C. § 405\(g\)](#). [DE 15].

Central Operations provided Notices of Awards for past-due child's benefits to A.T.B. in the amount of \$26,938.00; S.R.C. in amount of \$12,894.00; and Z.A.B. in the amount of \$7,769.00. [DE 35-1]. The Petitioner's request for \$11,900.25 represents 25% of the past-due auxiliary benefits.

Section 206(b)(1) of the Social Security Act permits a court to award up to 25% of past due benefits to which the claimant is entitled by reason of a judgment rendered in favor of the claimant. *See* 42 U.S.C. § 406(b)(1). Plaintiff agreed to pay counsel Frederick J. Daley, Jr., as principal attorney of Daley Disability Law, P.C., 25% of all past due benefits awarded to Plaintiff. [DE 35-2].

Having reviewed the Petitioner's instant Motion, noting the lack of objection, and finding the fee reasonable for the hours of legal work spent and the benefit to Plaintiff, the Court hereby **GRANTS** the Supplemental Petition for Attorney Fee Pursuant to § 206(b)(1) [DE 35] and **AWARDS** Plaintiff's counsel \$11,900.25 in attorney fees pursuant to Section 206(b)(1) of the Social Security Act.

The Court further **ORDERS** that payment by the Commissioner in the amount of \$11,900.25 be made directly to counsel Frederick J. Daley, Jr. in accordance with the fee agreement signed by Plaintiff.

**SO ORDERED** this 24th day of February 2021.

s/Michael G. Gotsch, Sr.  
Michael G. Gotsch, Sr.  
United States Magistrate Judge