UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION
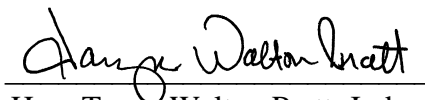
JOHN S. NOBLE,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CAUSE NO. 1:14-cv-1307-TWP-MJD
	)	
CAROLYN W. COLVIN,	)	
Commissioner Social Security,	)	
	)	
Defendant.	)	

ORDER DENYING ATTORNEY FEES PURSUANT TO § 206(b)(1)

Plaintiff, by counsel, Charles D. Hankey, petitions the Court for attorney fees pursuant to § 206(b)(1) of the Social Security Act, 42 U.S.C. § 406(b)(1). In the Petition, counsel seeks a total fee of $22,136.50, which represents 25% of the Plaintiff's award; pursuant to his contingent-fee agreement for representation of Plaintiff in federal court. Counsel was previously approved an attorney fee of $12,065.00 and he seeks an additional $10,071.50. The court is required under § 406(b) to review the fee request for "reasonableness for the services rendered." *Gisbrecht v. Barnhart*, 535 U.S. 789, 809 (2002).

The Court declines to award Hankey the additional fee of $10,071.50 because the fee is not "reasonable for the services rendered." Hankey seeks $22,136.50 for 19.70 hours of work and 9.40 hours of work by his paralegal. This equates to an "effective rate" of $760.70 per hour. As courts in the Northern District have held, this type of benefit seemingly constitutes a windfall, as "the benefits are large in comparison to the amount of time [he] spent on the case." See *Smith v. Astrue*, 2009 WL 35223 *3 (N.D. Ind., Jan. 5, 2009); *Evans v. Astrue*, No. 1:06-CV-00165, 2008 WL 4775505 *3 (N.D. Ind., Oct. 27, 2008); *Schimpf v. Astrue*, No. 1:06-CV-00018, 2008 WL 4614658 *3 (N.D. Ind., Oct. 16, 2008). In addition, counsel has received EAJA compensation in the amount of $5,728.57. The Court recognizes the risk of loss in social secuirty disability appeals, however, awarding additional fees in this case is not reasonable. For these reasons, the Petition is **DENIED**.

Date: 11/8/2017

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Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana