

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

BECKY BOSTICK,	:	Case No. 1:16-cv-849
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	
vs.	:	Magistrate Judge Karen L. Litkovitz
	:	
COMMISSIONER OF SOCIAL	:	
SECURITY,	:	
	:	
Defendant.	:	

**ORDER GRANTING PLAINTIFF’S MOTION
FOR AWARD OF ATTORNEY FEES (Doc. 23)**

This is a Social Security disability benefits appeal in which Plaintiff received Social Security disability benefits after this Court remanded the case for further proceedings. (Docs. 18, 23-2).

On March 31, 2020, Plaintiff’s counsel filed a motion pursuant to 42 U.S.C. § 406(b), seeking attorneys’ fees for services rendered in pursuit of Plaintiff’s past-due benefits (the “Motion for Attorneys’ Fees”). (Doc. 23). Then, on April 2, 2020, the Commissioner filed a response stating as follows: the Commissioner “has reviewed Plaintiff’s counsel’s Motion for Attorneys’ Fees Pursuant to 42 U.S.C. § 406(b) and does not object to the amount sought therein.” (Doc. 24).

Under 42 U.S.C. § 406(b), an attorney who successfully represents a Social Security claimant may seek a reasonable fee for such representation, not in excess of 25 percent of the total past-due benefits to which the claimant is entitled. 42 U.S.C.

§ 406(b)(1); *see Horenstein v. Sec’y of Health & Human Servs.*, 35 F.3d 261, 262 (6th Cir. 1994).

The Court must determine the reasonableness of the fees sought subject to the statutory 25 percent cap. *Gisbrecht v. Barnhart*, 535 U.S. 789, 807 (2002). Section 406(b) “does not displace contingent-fee agreements”; rather, it “calls for court review of such arrangements as an independent check, to assure that they yield reasonable results in particular cases.” *Id.*

Here, Plaintiff’s counsel seeks \$10,000.00 pursuant to a 25 percent contingent-fee agreement. (Doc. 23, 23-3). \$10,000.00 represents far less than 25 percent of the past-due benefits Plaintiff received through her counsel’s representation. (Doc. 23 at 3; *see* Doc. 23-2). Upon review, the Court finds that the fee sought is reasonable in light of the many hours expended by Plaintiff’s counsel in pursuit of a favorable outcome for her client. (*See* Doc. 23-4).

Based upon the foregoing, Plaintiff’s Motion for Attorneys’ Fees (Doc. 23) is **GRANTED**, and the Commissioner is **DIRECTED** to pay Plaintiff’s attorneys’ fees pursuant to 42 U.S.C. § 406(b) in the amount of **\$10,000.00**.

IT IS SO ORDERED.

Date: 4/7/2020

s/Timothy S. Black
Timothy S. Black
United States District Judge