

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

TRICIA GLASS

v.

2:18-cv-631-NPM


COMMISSIONER OF SOCIAL SECURITY

ORDER

Having obtained an award of benefits, Tricia Glass requests a fee award pursuant to 42 U.S.C. § 406(b). (Doc. 40). Section 406(b) contemplates a reasonable fee award—not to exceed twenty-five percent of the claimant’s past-due benefits—for work performed before the court. For the reasons stated in Glass’s motion, the contingent fee of twenty-five percent is reasonable.

Accordingly, the unopposed fee motion (Doc. 40) is **GRANTED**, and the clerk is directed to amend the judgment in favor of Glass to include a fee award of \$30,761.25.¹ The fee award is to be paid out of Glass’s past-due benefits, subject to agency policy. If the withheld benefits in the Commissioner’s possession are insufficient to satisfy the amount of fees determined reasonable by the court, then the attorney must look to the claimant to recover the difference.

ORDERED on January 7, 2025.



NICHOLAS P. MIZELL
United States Magistrate Judge

¹ Because Glass’s counsel previously retained the \$4,393.35 in fees awarded to Glass under the Equal Access to Justice Act (“EAJA”), counsel must refund the EAJA fees to Glass. (Doc. 37).