

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 17-1357V

Filed: January 24, 2023

UNPUBLISHED

██████████,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Special Master Horner

Damages Decision Based on Proffer;
Influenza (Flu) Vaccine; Shoulder
Injury Related to Vaccine
Administration (SIRVA); Cause-in-
Fact

Leah VaSahnja Durant, Law Offices of Leah V. Durant, PLLC, Washington, DC, for petitioner.

Austin Egan, U.S. Department of Justice, Washington, DC, for respondent.

DECISION AWARDING DAMAGES¹

On September 27, 2017, ██████████ filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”). Petitioner alleges that she suffered a shoulder injury related to vaccine administration (“SIRVA”). (ECF No. 1)

On October 27, 2022, a ruling on entitlement was issued, finding petitioner entitled to compensation for her SIRVA. On January 23, 2023, respondent filed a proffer on award of compensation (“Proffer”) indicating petitioner should be awarded \$90,000.00 for pain and suffering and \$7,839.11 representing satisfaction of the State of Maine Medicaid lien. (ECF No. 66, p. 2.) In the Proffer, respondent represented that petitioner agrees with the proffered award. (*Id.*) Based on the record as a whole, I find that petitioner is entitled to an award as stated in the Proffer.

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the decision will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755.

Pursuant to the terms stated in the attached Proffer, **I award petitioner the following:**

- **a lump sum payment of \$90,000.00 for pain and suffering in the form of a check payable to petitioner; and**
- **a lump sum payment of \$7,839.11, representing compensation for the satisfaction of the State of Main Medicaid lien, payable jointly to the petitioner and to:**

Treasurer, State of Maine - tax ID 016000001
Synergy Settlement Services
2420 S Lakemont Ave, Ste 160
Orlando, FL 32814
Re: [REDACTED]
Attention: Kelly S. Kramer

Petitioner agrees to endorse this payment to Treasurer, State of Maine.

These amounts represents compensation for all damages that would be available under § 15(a).

The clerk of the court is directed to enter judgment in accordance with this decision.³

IT IS SO ORDERED.

s/Daniel T. Horner
Daniel T. Horner
Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.