

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 20-173V

UNPUBLISHED

██████████,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: February 2, 2022

Special Processing Unit (SPU); Joint
Stipulation on Damages; Tetanus
Diphtheria acellular Pertussis (Tdap)
Vaccine; Shoulder Injury Related to
Vaccine Administration (SIRVA)

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

Alexis B. Babcock, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION ON JOINT STIPULATION¹

On February 20, 2020, ██████████ 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 he suffered a shoulder injury related to vaccine administration (“SIRVA”) caused by a tetanus, diphtheria, acellular pertussis (“Tdap”) vaccine administered on June 27, 2017. Petition at 1; Stipulation, filed at February 1, 2022, ¶¶ 1, 2. Petitioner further alleges that the vaccine was administered within the United States, that he suffered the residual effects of his injury for more than six months, and that there has been no prior award or settlement of a civil action for damages on his behalf as a result of his condition. Petition at 3-4; Stipulation at ¶¶ 3-5. Respondent denies that the Tdap vaccine caused Petitioner to suffer a left shoulder injury, brain fog, or any other injury, and denies that Petitioner sustained a SIRVA Table Injury.” Stipulation at ¶ 6.

¹ Because this unpublished Decision contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in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. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

Nevertheless, on February 1, 2022, the parties filed the attached joint stipulation, stating that a decision should be entered awarding compensation. I find the stipulation reasonable and adopt it as my decision awarding damages, on the terms set forth therein.

Pursuant to the terms stated in the attached Stipulation, I **award** the following compensation:

- **A lump sum of \$15,000.00 in the form of a check payable to Petitioner.** Stipulation at ¶ 8.
- **A lump sum of \$2,500.00³ representing reimbursement of a Medicaid lien for services rendered to petitioner by the Commonwealth of Pennsylvania,** in the form of a check payable jointly to petitioner and the Pennsylvania Department of Human Services and mailed to:

Pennsylvania Department of Human Services
Attn: Kyle Petris
Bureau of Program Integrity
Division of Third Party Liability, Recovery Section
P.O. Box 5486
Harrisburg, PA 17105-8486
Case# 340388579

Petitioner agrees to endorse this check to the Department of Human Services. Stipulation at ¶ 8. These amounts represents compensation for all damages that would be available under Section 15(a). *Id.*

I approve the requested amount for Petitioner's compensation. In the absence of a motion for review filed pursuant to RCFC Appendix B, the Clerk of Court is directed to enter judgment in accordance with this decision.⁴

IT IS SO ORDERED.

s/Brian H. Corcoran
Brian H. Corcoran
Chief Special Master

³ This amount represents full satisfaction of any right of subrogation, assignment, claim, lien, or cause of action the Commonwealth of Pennsylvania may have against any individual as a result of any Medicaid payments the Pennsylvania Program has made to or on behalf of Jeffrey Homing as a result of his alleged vaccine-related injury suffered on or about June 27, 2017, under Title XIX of the Social Security Act, see 42 U.S.C. § 300aa-15(g), (h).

⁴ 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.