## In the United States Court of Federal Claims office of special masters

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^^	* No	o. 17-122V
Petitioner,	* Sp	ecial Master Christian J. Moran
V.	*	
	*	
SECRETARY OF HEALTH	* Fil	ed: June 18, 2024
AND HUMAN SERVICES,	*	
	*	
Respondent.	*	
* * * * * * * * * * * * * * * * * * * *	*	

Leah VaSahnja Durant, Law Offices of Leah V. Durant, PLLC, Washington, DC, for Petitioner; Mallori Browne Openchowski, United States Dep't of Justice, Washington, DC, for Respondent.

### **UNPUBLISHED DECISION**<sup>1</sup>

On June 17, 2024, the parties filed a joint stipulation concerning the petition for compensation filed by **and the period** on January 27, 2017. This stipulation is adopted as reasonable.

Petitioner alleged that the influenza vaccine she received on or about October 22, 2015, which is contained in the Vaccine Injury Table (the "Table"), 42 C.F.R. §100.3(a), caused her to suffer from a shoulder injury related to vaccine administration ("SIRVA"). On April 16, 2019, the undersigned issued a Ruling on Entitlement, concluding that petitioner is entitled to compensation.<sup>2</sup> Petitioner was awarded compensation. <u>Decision</u>, 2020 WL 2510454, issued Apr. 3, 2020.

Petitioner challenged the amount of compensation awarded by filing a motion for review. The Court found an error, which required remand. <u>Opinion and Order</u>, 169 Fed. Cl. 418 (2024).

<sup>2</sup> In the joint stipulation, Respondent maintains his contrary position, but will not seek review of the decision memorializing entitlement.

<sup>&</sup>lt;sup>1</sup> Because this Decision contains a reasoned explanation for the action taken in this case, it must be made publicly accessible and will be posted on the United States Court of Federal Claims' website, and/or at https://www.govinfo.gov/app/collection/uscourts/national/cofc, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2018) (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), the parties have 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. Any changes will appear in the document posted on the website.

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Upon remand, the parties resolved the remaining disputes. Petitioner represents that there has been no prior award or settlement of a civil action for damages on her behalf as a result of her condition.

The parties agree to the joint stipulation, attached hereto. The undersigned finds said stipulation reasonable and adopts it as the decision of the Court in awarding damages, on the terms set forth therein.

Damages awarded in that stipulation include:

# A lump sum of \$66,209.30 in the form of a check payable to petitioner. This amount represents compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a).

In the absence of a motion for review filed pursuant to RCFC, Appendix B, the clerk is directed to enter judgment according to this decision and the attached stipulation.<sup>3</sup> The clerk is further directed to inform the Court about this decision. <u>See</u> Vaccine Rule 28.1(a).

#### IT IS SO ORDERED.

<u>s/Christian J. Moran</u> Christian J. Moran Special Master

<sup>&</sup>lt;sup>3</sup> Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.