

# In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 18-1017V

Filed: June 20, 2023

UNPUBLISHED

[REDACTED]

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Special Master Horner

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

*Rachelle Bishop, U.S. Department of Justice, Washington, DC, for Respondent.*

## **DECISION AWARDING DAMAGES**<sup>1</sup>

On July 16, 2018, petitioner, [REDACTED], filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10,<sup>2</sup> *et seq.*, (“the Vaccine Act”). (ECF No. 1.) Petitioner alleged that she suffered from a shoulder injury related to vaccine administration (“SIRVA”) resulting from a Tetanus-Diphtheria-Pertussis (“Tdap”) vaccination she received on November 15, 2016. (*Id.*) On May 13, 2022, I issued a ruling on entitlement finding that petitioner is entitled to compensation for her SIRVA. (ECF No. 61.)

On May 24, 2023, I issued a ruling on damages finding that petitioner should be awarded \$190,000.00 for actual pain and suffering, \$3,799.75 for past unreimbursable expenses, and \$800.00 per year for 35 years in compensation for projected pain and

<sup>1</sup> Because this document 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 document 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.

<sup>2</sup> All references to “§ 300aa” below refer to the relevant section of the Vaccine Act at 42 U.S.C. § 300aa-10-34.

suffering. (ECF No. 78.) The parties were ordered to file a joint status report converting the award for projected pain and suffering to its net present value (*id.*), which respondent filed on June 16, 2023 (ECF No. 79). The parties agreed on a net present value award of \$21,116.84. (ECF No. 79.) I find the parties' proposed reduction to net present value to be reasonable.

In light of the above, and for all the reasons discussed in the May 24, 2023 ruling on damages, **I award petitioner a lump sum payment of \$214,916.59, representing \$190,000.00 for actual pain and suffering, \$21,116.84 for projected pain and suffering, and \$3,799.75 for past unreimbursable expenses, in the form of a check payable to petitioner.** This amount represents compensation for all damages available under § 15(a).

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

**IT IS SO ORDERED.**

**s/Daniel T. Horner**

Daniel T. Horner  
Special Master

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<sup>3</sup> 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.