

In the United States Court of Federal Claims  
OFFICE OF SPECIAL MASTERS

Filed: June 6, 2022

\* \* \* \* \*  
[REDACTED],  
Petitioner,  
v.  
SECRETARY OF HEALTH  
AND HUMAN SERVICES,  
Respondent.  
\* \* \* \* \*

UNPUBLISHED  
No. 17-1992V  
Special Master Gowen  
Influenza (“Flu”); Shoulder Injury  
Related to Vaccine Administration  
(SIRVA); Proffer.

Leah V. Durant, Law Offices of Leah Durant, Washington, D.C., for petitioner.  
Colleen C. Hartley, U.S. Department of Justice, Washington, D.C., for respondent.

**DECISION ON DAMAGES<sup>1</sup>**

On December 20, 2017, [REDACTED] (“petitioner”) filed a petition in the National Vaccine Injury Compensation Program.<sup>2</sup> Petition (ECF No. 1). Petitioner alleged that as a result of receiving the influenza (“flu”) vaccine on January 9, 2017, she suffered a Shoulder Injury Related to Vaccine Administration (“SIRVA”). On October 13, 2021, the undersigned issued a Ruling on Entitlement, finding that petitioner established she suffered a Table SIRVA and was entitled to compensation. Ruling on Entitlement (ECF No. 76).

On June 6, 2022, respondent filed a Proffer of Award of Compensation, which indicates petitioner’s agreement to compensation on the terms set forth therein. Proffer (ECF No. 90). The proffer is attached hereto as Appendix A.

<sup>1</sup> Pursuant to the E-Government Act of 2002, *see* 44 U.S.C. § 3501 note (2012), because this opinion contains a reasoned explanation for the action in this case, I intend to post it on the website of the United States Court of Federal Claims. The court’s website is at <http://www.uscfc.uscourts.gov/aggregator/sources/7>. Before the opinion is posted on the court’s website, each party has 14 days to file a motion requesting redaction “of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy.” Vaccine Rule 18(b). An objecting party must provide the court with a proposed redacted version of the opinion. *Id.* If neither party files a motion for redaction within 14 days, the opinion will be posted on the court’s website without any changes. *Id.*

<sup>2</sup> The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-10 to 34 (2012) (hereinafter “Vaccine Act” or “the Act”). Hereinafter, individual section references will be to 42 U.S.C. § 300aa of the Act.

**Consistent with the terms in the attached Proffer, I hereby award the following in compensation for all damages that would be available under 42 U.S.C. §300aa-15(a):**

- 1) A lump sum payment of \$97,500.00 (for pain and suffering) in the form of a check made payable to petitioner.**

The Clerk of the Court is directed to **ENTER JUDGMENT** in accordance with this decision.<sup>3</sup>

**IT IS SO ORDERED.**

**s/Thomas L. Gowen**  
Thomas L. Gowen  
Special Master

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<sup>3</sup> Entry of judgment is expedited by each party's filing notice renouncing the right to seek review. Vaccine Rule 11(a).