

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 22-0686V

██████████

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: April 15, 2025

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

Julianna Rose Kober, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION ON DAMAGES¹

On June 17, 2022, ██████████ 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 alleged that she suffered a left shoulder injury related to vaccine administration (“SIRVA”) after receiving an influenza (“flu”) vaccine on October 18, 2021. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On April 8, 2024, a Ruling on Entitlement was issued, finding Petitioner entitled to compensation for a SIRVA corresponding to a listing on the Vaccine Injury Table, 42 C.F.R. §§ 100.3(a), (c)(10)).

¹ 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), 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 (2018).

On April 15, 2025, Respondent filed the attached joint stipulation.³ 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, the following is awarded:

- A. A lump sum payment of \$27,000.00, in the form of a check to be paid through an ACH deposit to Petitioner's counsel's IOLTA account for prompt disbursement to Petitioner; and**
- B. A lump sum of \$1,147.28, representing compensation for satisfaction of the State of New York Medicaid lien, in the form of a check payable jointly to Petitioner and New York State Department of Health. The check should also contain the following information: "Recovery Case: 234706."**

Petitioner agrees to endorse the check to the New York State Department of Health for satisfaction of the Medicaid lien and mail it to:

**New York State Department of Health
PO Box 415874
Boston, MA 02241
Attn: Wyvette Portis
Recovery Case: 234706**

Proffer at 2. These amounts represent compensation for all damages that would be available under Section 15(a). *Id.*

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 Usually, a proffer is filed by Respondent if the parties have reached an informal agreement regarding the appropriate amount of compensation to be awarded after an entitlement determination. However, in a minority of cases, the parties may choose to file a joint stipulation instead, reflecting more of a compromise regarding the compensation to be awarded.

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.