

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 14-701V

Filed: January 26, 2015

[Redacted]

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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Damages Decision Based on Proffer;
Influenza Vaccine; Shoulder Injury
Related to Vaccine Administration
("SIRVA"); Special Processing Unit
("SPU")

Amber D. Wilson, Maglio Christopher and Toale, PA, Washington, DC for petitioner.
Lisa A. Watts, U.S. Department of Justice, Washington, DC, for respondent.

DECISION AWARDING DAMAGES¹

Vowell, Chief Special Master:

On August 4, 2014, [Redacted] filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the "Vaccine Act" or "Program"). The petition alleges that as a result of an influenza ("flu") vaccination on November 19, 2013, petitioner suffered a shoulder injury related to vaccine administration ("SIRVA"). Petition at 1-2. The case was assigned to the Special Processing Unit ("SPU") of the Office of Special Masters.

On November 20, 2014, I issued a ruling on entitlement, finding petitioner entitled to compensation. On January 23, 2015, respondent filed a proffer on award of compensation ("Proffer") detailing compensation for petitioner's pain and suffering and

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). In accordance with Vaccine Rule 18(b), petitioners have 14 days to identify and move to delete 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 delete 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 "§" references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2006).

past un-reimbursable expenses. According to respondent's Proffer, petitioner agrees to the proposed award of compensation.

Pursuant to the terms stated in the attached Proffer, **I award petitioner a lump sum payment of \$163, 111.17 in the form of a check payable to petitioner.**

This amount represents compensation for all damages that would be available under § 300aa-15(a).

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

IT IS SO ORDERED.

s/Denise K. Vowell
Denise K. Vowell
Chief Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each party filing a notice renouncing the right to seek review.