

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 13-743V

February 6, 2014

*****	UNPUBLISHED
HOLLY GRANT,	*
	*
Petitioner,	*
	*
v.	Proffer; Influenza (Flu) Vaccine;
	arm pain; shoulder pain.
	*
SECRETARY OF HEALTH	*
AND HUMAN SERVICES,	*
	*
Respondent.	*

Sherry Kay Drew, McDowell & Drew, Ltd., Glenview, IL, for petitioner.

Debra A. Filteau Begley, U.S. Department of Justice, Washington, DC, for respondent.

DECISION AWARDING DAMAGES¹

On September 26, 2013, Holly Grant (“petitioner”) filed a petition for compensation under the National Vaccine Injury Compensation Program,² 42 U.S.C. §§ 300aa-1 to -34 (2006), in which she alleged that she suffered left arm and left shoulder pain as a result of receiving a flu vaccine on September 28, 2010. The undersigned has determined that petitioner is entitled to compensation. Ruling on Entitlement, filed December 11, 2013, at 2.

On February 5, 2014, respondent filed a Proffer on Damages (“Proffer”), attached as Appendix A. In the Proffer, respondent represented that petitioner agrees with the proffered

¹ Because this decision contains a reasoned explanation for the undersigned’s action in this case, the undersigned intends to post this ruling on the website of the United States Court of Federal Claims, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). As provided by Vaccine Rule 18(b), each party has 14 days within which to request 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).

² 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-1 to -34 (2006) (Vaccine Act or the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

award. Based on the record as a whole, the undersigned finds that petitioner is entitled to an award as stated in the Proffer.

Pursuant to the terms stated in the attached Proffer, the undersigned awards petitioner:

A lump sum payment of \$35,785.00 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 of the court **SHALL ENTER JUDGMENT** herewith.³

IT IS SO ORDERED.

s/ Nora Beth Dorsey
Nora Beth Dorsey
Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.

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No. 13-743V

SPECIAL MASTER

NORA DORSEY

RESPONDENT'S PROFFER OF DAMAGES

I. Items of Compensation

Based upon the evidence of record, respondent proffers that petitioner should be awarded \$35,785.00, which represents all elements of compensation to which petitioner would be entitled under 42 U.S.C. § 300aa-15(a). Petitioner agrees with this amount.

II. Form of the Award

The parties recommend that the compensation provided to petitioner should be made through a lump sum payment of \$35,785.00 in the form of a check payable to petitioner.

Respectfully submitted,

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Assistant Attorney General

RUPA BHATTACHARYYA
Director
Torts Branch, Civil Division

VINCENT J. MATANOSKI
Deputy Director
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s/ DEBRA A. FITLEAU BEGLEY
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Date: February 5, 2014