

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 13-939V

Filed: April 20, 2016

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CAROLINE COURBOIS,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

* * * * *

TO BE PUBLISHED

Special Master Hamilton-Fieldman

Damages Decision; Contested;
Influenza (“Flu”) Vaccine; Shoulder
Injury Related to Vaccine
Administration (“SIRVA”).

Renée Gentry, George Washington University Law School, Washington, D.C., for Petitioner.
Michael Milmo, United States Department of Justice, Washington, D.C., for Respondent.

DECISION¹

On November 27, 2013, Caroline Courbois (“Petitioner”) filed a petition for compensation under the National Vaccine Injury Compensation Program (“the Program”).² Petitioner alleged that an influenza (“flu”) vaccination she received on January 10, 2013 caused her to suffer from a shoulder injury related to vaccine administration (“SIRVA”). On September 22, 2014, Respondent filed a Vaccine Rule 4(c) Report conceding Petitioner’s entitlement to compensation, and on September 23, 2014, the undersigned issued an entitlement ruling in Petitioner’s favor.

On April 5, 2016, the undersigned held a damages hearing. At the conclusion of the hearing, the undersigned awarded compensation to Petitioner for previously incurred costs,

¹ Because this decision contains a reasoned explanation for the undersigned’s action in this case, the undersigned intends to post this decision on the website of the United States Court of Federal Claims, in accordance with the E-Government Act of 2002, codified as amended at 44 U.S.C. § 3501 note (2012). 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 Program comprises Part 2 of the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. §§ 300aa-10 *et seq.* (hereinafter “Vaccine Act” or “the Act”). Hereafter, individual section references will be to 42 U.S.C. § 300aa of the Act.

future unreimbursable expenses, certain home modifications, and past and future pain and suffering. In accordance with the undersigned's oral ruling, Petitioner shall receive the following compensation:

A lump sum payment of \$158,243.40, in the form of a check payable to Petitioner, for previously incurred expenses, home modifications, past and future pain and suffering, and the first year of unreimbursable future expenses; and

An amount sufficient to purchase an annuity contract, subject to the conditions described in Appendix A to this Decision, and consistent with the undersigned's April 7, 2016 Order.

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/ Lisa Hamilton-Fieldman
Lisa Hamilton-Fieldman
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.

Appendix A: Items of Compensation for Caroline Courbois

ITEMS OF COMPENSATION	G.R.		Lump Sum	Compensation
			Compensation	Years 2-Life
			Year 1	2017-Life
			2016	2017-Life
Massage Therapy	4%		1,200.00	1,200.00
Cleaning Service	4%		3,600.00	3,600.00
Hairdresser	4%		2,600.00	2,600.00
Landscaping Services	4%		3,200.00	3,200.00
Home Mods	0%		4,000.00	
Lost Future Earnings				
Pain and Suffering			142,794.40	
Past Unreimbursable Expenses			849.00	
Annual Totals			158,243.40	10,600.00

Note: Compensation Year 1 consists of the 12 month period following the date of judgment.

Compensation Year 2 consists of the 12 month period commencing on the first anniversary of the date of judgment.

As soon as practicable after entry of judgment, respondent shall make the following payment to petitioner for Yr 1 life care expenses (\$14,600.00), pain and suffering (\$142,794.40), and past unreimbursable expenses (\$849.00): \$158,243.40.

Annual amounts payable through an annuity for future Compensation Years follow the anniversary of the date of judgment.

Annual amounts shall increase at the rates indicated above in column G.R., compounded annually from the date of judgment.

Respondent is ordered to make annuity payments on an annual basis.