

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 14-635V

Filed: December 9, 2014

LINDA HAFT,

Petitioner,

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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Damages Decision Based on Proffer;
Influenza Vaccine or Flu Vaccine;
Shoulder Injury Related to Vaccine
Administration; SIRVA

Maximillian Muller, Muller Brazil, LLP, Philadelphia, PA, for petitioner.
Gordon Shemin, US Department of Justice, Washington, DC, for respondent.

DECISION AWARDING DAMAGES¹

Vowell, Chief Special Master:

On July 21, 2014, Linda Haft 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”]. Petitioner alleged that she suffered a shoulder injury which was caused in fact by the influenza vaccine she received on October 17, 2013. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On October 16, 2014, I issued a ruling on entitlement, finding petitioner entitled to compensation. On December 9, 2014, respondent filed a proffer on award of compensation [“Proffer”] indicating petitioner should be awarded \$106,160.00, an amount representing “all elements of compensation to which petitioner would be entitled under 42 U.S.C. § 300aa-15(a) for her vaccine-related injury.” Proffer at 1. According to respondent’s Proffer, petitioner agrees to the proposed award of compensation. *Id.*

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post it on the United States Court of Federal Claims’ website, in accordance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)). 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 “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2006).

Respondent indicates petitioner is a competent adult and guardianship is not required in this case. *Id.* at 2.

Pursuant to the terms stated in the attached Proffer, **I award petitioner a lump sum payment of \$106,160.00 in the form of a check payable to petitioner, Linda Haft.** 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

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.