

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 14-767V

Filed: March 6, 2015

JENNIFER RATTERMAN

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Petitioner,

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Damages Decision Based on Proffer;

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Influenza Vaccine; Shoulder Injury

v.

*

Related to Vaccine Administration

*

("SIRVA"); Special Processing Unit

*

("SPU")

SECRETARY OF HEALTH

*

AND HUMAN SERVICES,

*

*

Respondent.

*

Richard Christian Macke, Esq., Newport, KY, for petitioner.

Lynn Elizabeth Ricciardella, Esq., U.S. Department of Justice, Washington, DC, for respondent.

DECISION AWARDING DAMAGES¹

Vowell, Chief Special Master:

On August 22, 2014, Jennifer Ratterman 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 August 26, 2011, petitioner suffered a shoulder injury related to vaccine administration ("SIRVA"). Petition at 1. The case was assigned to the Special Processing Unit ("SPU") of the Office of Special Masters.

On December 30, 2014, I issued a ruling on entitlement, finding petitioner entitled to compensation. On March 6, 2015, respondent filed a proffer on award of compensation ("Proffer") detailing compensation for all elements of compensation to

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims' website, in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).

which petitioner would be entitled under §15(a). 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 \$150,000.00 in the form of a check payable to petitioner.**

This amount represents compensation for all damages that would be available under §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.

IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS

JENNIFER RATTERMAN,)	
)	
Petitioner,)	No. 14-767V
)	Chief Special Master Vowell
v.)	
)	
SECRETARY OF HEALTH AND)	
HUMAN SERVICES,)	
)	
Respondent.)	

RESPONDENT’S PROFFER ON AWARD OF COMPENSATION

I. Compensation for Vaccine Injury-Related Items:

Respondent proffers that, based on the evidence of record, petitioner should be awarded \$150,000.00. This amount represents all elements of compensation to which petitioner would be entitled under 42 U.S.C. § 300aa-15(a)(1); §15(a)(3)(B); and §15(a)(4). Petitioner agrees.

II. Form of the Award:

The parties recommend that the compensation provided to Jennifer Ratterman should be made through a lump sum payment as described below, and request that the Chief Special Master’s decision and the Court’s judgment award the following:¹

A lump sum payment of \$150,000.00 in the form of a check payable to petitioner, Jennifer Ratterman. This amount accounts for all elements of compensation under 42 U.S.C. § 300aa-15(a) to which petitioner would be entitled.

Petitioner is a competent adult. Evidence of guardianship is not required in this case.

¹ Should petitioner die prior to entry of judgment, the parties reserve the right to move the Court for appropriate relief. In particular, respondent would oppose any award for future medical expenses and future pain and suffering.

Respectfully submitted,

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Torts Branch, Civil Division

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DATED: March 6, 2015