

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 14-1212V

Filed: March 29, 2023

UNPUBLISHED

ALICIA SKINNER-SMITH,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Special Master Horner

Tetanus Diphtheria and  
acellular Pertussis (“Tdap”)  
vaccine; cause in fact; cellulitis;  
Damages

*Richard Gage, Richard Gage, P.C., Cheyenne, WY, for petitioner.*  
*Zoe Wade, U.S. Department of Justice, Washington, DC, for respondent.*

### **DECISION AWARDING DAMAGES**<sup>1</sup>

On December 17, 2014, petitioner filed a petition under the National Childhood Vaccine Injury Act, 42 U.S.C. § 300aa-10-34 (2012),<sup>2</sup> alleging that the tetanus, diphtheria, acellular pertussis (“Tdap”) vaccine that petitioner received on February 6, 2012, caused her to suffer an abscess, pain, and related injuries that became chronic. (ECF No. 1.) On August 15, 2022, I issued a Ruling on Entitlement finding petitioner entitled to compensation, but only for a local cellulitis injury and not her alleged broader chronic injury. (ECF No. 160; *see also Skinner-Smith v. Sec’y of Health & Human Servs.*, No. 14-1212V, 2022 WL 4116896 (Fed. Cl. Spec. Mstr. Aug. 15, 2022).)

I subsequently issued a Ruling on Damages that concluded petitioner should be awarded \$10,125.00 for past pain and suffering and \$6,000.00 for future pain and suffering related to her vaccine-caused cellulitis. (ECF No. 182; *see also Skinner-Smith*

<sup>1</sup> Because this document contains a reasoned explanation for the special master’s action in this case, it will be posted on the United States Court of Federal Claims’ website in accordance with the E-Government Act of 2002. See 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the document will be available to anyone with access to the Internet.** 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 the special master, upon review, agrees that the identified material fits within this definition, it will be redacted from public access.

<sup>2</sup> Within this decision, all citations to § 300aa will be the relevant sections of the Vaccine Act at 42 U.S.C. § 300aa-10-34.

*v. Sec'y of Health & Human Servs.*, No. 14-1212, Slip op. (Fed. Cl. Spec. Mstr. Mar. 22, 2022).) On March 28, 2023, the parties confirmed that the net present value of petitioner's award for future pain and suffering is \$5,083.00. (ECF Nos. 183-84.)

**I award Petitioner a lump sum payment of \$15,208.00 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.<sup>3</sup>

**IT IS SO ORDERED.**

**s/Daniel T. Horner**  
Daniel T. Horner  
Special Master

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<sup>3</sup> Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.