

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 15-886V

Filed: November 19, 2015

UNPUBLISHED

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CHRISTINE REDLINGER,	*	
	*	
Petitioner,	*	Damages Decision Based on Proffer;
	*	Influenza (“Flu”) Vaccine;
	*	Shoulder Injury Related to Vaccine
SECRETARY OF HEALTH	*	Administration (“SIRVA”);
AND HUMAN SERVICES,	*	Special Processing Unit (“SPU”)
	*	
Respondent.	*	
	*	

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*Paul Brazil, Muller Brazil, LLP, Philadelphia, PA, for petitioner.  
Christine Becer, U.S. Department of Justice, Washington, DC for respondent.*

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

**Dorsey**, Chief Special Master:

On August 17, 2015, petitioner filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,<sup>2</sup> [the “Vaccine Act” or “Program”]. Petitioner alleges that she suffered a shoulder injury related to vaccine administration (“SIRVA”) resulting from the influenza vaccination she received on October 9, 2014. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On November 5, 2015, a ruling on entitlement was issued, finding that petitioner was entitled to compensation. On November 19, 2015, respondent filed a proffer on award of compensation [“Proffer”] stating that petitioner should be awarded \$80,000.00 for pain and suffering and unreimbursed medical expenses. Proffer at 1. According to respondent’s Proffer, petitioner agrees to the proposed award of compensation. *Id.*

<sup>1</sup> Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post it on the United States Court of Federal Claims’ website, in accordance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.

<sup>2</sup> 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 (2012).

Pursuant to the terms stated in the attached Proffer, the undersigned awards petitioner **a lump sum payment of \$80,000.00 in the form of a check payable to petitioner, Christine Redlinger, for pain and suffering and suffering and unreimbursed medical expenses.** 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.<sup>3</sup>

**IT IS SO ORDERED.**

**s/Nora Beth Dorsey**

Nora Beth Dorsey  
Chief Special Master

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<sup>3</sup> 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**

CHRISTINE REDLINGER,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 15-886V
	)	Chief Special Master Dorsey
	)	ECF
SECRETARY OF HEALTH AND	)	
HUMAN SERVICES,	)	
	)	
Respondent.	)	

**RESPONDENT’S PROFFER ON AWARD OF COMPENSATION**

**I. Items of Compensation**

Based upon the evidence of record, respondent proffers that petitioner should be awarded \$80,000.00 for pain and suffering and unreimbursed medical expenses, which represents all elements of compensation to which petitioner would be entitled under 42 U.S.C. § 300aa-15(a).<sup>1</sup> Petitioner agrees.

**II. Form of the Award**

The parties recommend that the compensation provided to petitioner should be made through a lump sum payment of \$80,000.00 in the form of a check payable to petitioner. Petitioner agrees.

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<sup>1</sup> 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, future lost earnings, and future pain and suffering.

Respectfully submitted,

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