

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 16-0452V

Filed: August 6, 2018

UNPUBLISHED

LORRAINE SOFIA,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

Special Processing Unit (SPU);
Damages Decision Based on Proffer;
Influenza (Flu) Vaccine; Shoulder
Injury Related to Vaccine
Administration (SIRVA)

Ronald Craig Homer, Conway, Homer, P.C., Boston, MA, for petitioner.

Adriana Ruth Teitel, U.S. Department of Justice, Washington, DC, for respondent.

DECISION AWARDING DAMAGES¹

Dorsey, Chief Special Master:

On April 11, 2016, Lorraine Sofia (“petitioner”) filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,² (the “Vaccine Act”). Petitioner alleges that she suffered a shoulder injury related to vaccine administration (“SIRVA”) as a result of an influenza (“flu”) vaccine she received on September 30, 2014. Petition at 1, 6. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On March 20, 2018, a ruling on entitlement was issued, finding petitioner entitled to compensation. On August 6, 2018, respondent filed a proffer on award of compensation (“Proffer”) indicating petitioner should be awarded \$75,350.00, consisting of \$75,000.00 for pain and suffering and \$350.00 for documented past unreimbursable expenses. Proffer at 1. In the Proffer, respondent represented that petitioner agrees

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). 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, the undersigned agrees that the identified material fits within this definition, the undersigned 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 (2012).

with the proffered award. Based on the record as a whole, the undersigned finds that petitioner is entitled to an award as stated in the Proffer.

Pursuant to the terms stated in the attached Proffer, **the undersigned awards petitioner a lump sum payment of \$75,350.00 (consisting of \$75,000.00 for pain and suffering and \$350.00 for documented past unreimbursable expenses) in the form of a check payable to petitioner, Lorraine Sofia.** 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

IT IS SO ORDERED.

s/Nora Beth Dorsey
Nora Beth Dorsey
Chief Special Master

³ 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.

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SECRETARY OF HEALTH AND
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No. 16-0452

Chief Special Master Dorsey

ECF

PROFFER ON AWARD OF COMPENSATION

On March 20, 2018, the Chief Special Master issued a Ruling on Entitlement, which found that petitioner was entitled to Vaccine Act compensation for her alleged SIRVA injury.

I. Items of Compensation

Respondent proffers that based on the evidence of record, petitioner should be awarded \$75,350.00, consisting of \$75,000.00 for pain and suffering and \$350.00 for documented past unreimbursable expenses. This amount represents all elements of compensation to which petitioner would be entitled under 42 U.S.C. § 300aa-15(a).¹ Petitioner agrees.

II. Form of the Award

Respondent recommends that the compensation provided to petitioner should be made through a lump sum payment of \$75,350.00 in the form of a check payable to petitioner.

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

Petitioner agrees.² Petitioner is a competent adult, so evidence of guardianship is not required in this case.

Respectfully submitted,

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/s/ Adriana Teitel
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Dated: August 6, 2018

² The parties have no objection to the proffered award of damages. Assuming the Chief Special Master issues a damages decision in conformity with this proffer, the parties intend to waive their right to seek review of such damages decision, recognizing that respondent reserves his right, pursuant to 42 U.S.C. § 300aa-12(f), to seek review of the March 20, 2018 ruling finding petitioner entitled to an award under the Vaccine Act.