

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 \$90,000.00 in the form of a check payable to petitioner, Joann Brenner.** 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.

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

*
JOANN BRENNER, *
*
*
Petitioner, *
*
*
v. *
*
*
SECRETARY OF HEALTH *
AND HUMAN SERVICES, *
*
*
Respondent. *

No. 16-656V (ECF)
CHIEF SPECIAL MASTER
NORA BETH DORSEY

RESPONDENT’S PROFFER ON AWARD OF COMPENSATION

On September 16, 2016, the Chief Special Master found that a preponderance of the medical evidence indicates that petitioner suffered a left shoulder injury related to vaccine administration (“SIRVA”), which was causally related to the influenza (“flu”) vaccination she received on November 1, 2014. The parties now address the amount of compensation to be awarded in this case.

I. Items of Compensation

Based upon the evidence of record, respondent proffers that petitioner should be awarded \$90,000.00, which represents all elements of compensation to which petitioner would be entitled under 42 U.S.C. § 300aa-15(a).¹ Petitioner agrees.

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.

II. Form of the Award

Petitioner is a competent adult. Accordingly, the parties recommend that the compensation provided to petitioner should be made through a lump sum payment of \$90,000.00 in the form of a check payable to petitioner. Petitioner agrees.

Respectfully submitted,

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DATE: November 15, 2016