

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 17-264V
(Not to be published)

SHARON CAIN, *
*
 Petitioner, *
*
 v. *
*
SECRETARY OF HEALTH AND *
HUMAN SERVICES, *
*
 Respondent. *

Filed: December 29, 2021

Joseph Alexander Vuckovich, Maglio Christopher & Toale, P.A., Washington, DC, for Petitioner.

Alexis B. Babcock, U.S. Dep’t of Justice, Washington, DC, for Respondent.

DECISION AWARDING DAMAGES¹

On February 23, 2017, Sharon Cain filed a petition seeking compensation under the National Vaccine Injury Compensation Program.² ECF No. 1. Petitioner alleged that she suffered from a left shoulder injury related to vaccine administration as a result of receiving an influenza vaccine administered on September 26, 2015. *Id.* at 1–2. Moreover, Petitioner alleges that he experienced residual effects of this injury for more than six months. *Id.* at 2.

¹ Although not formally designated for publication, this Decision will be posted on the United States Court of Federal Claims website in accordance with the E-Government Act of 2002, 44 U.S.C. § 3501 (2012). **This means the Decision will be available to anyone with access to the internet.** As provided by 42 U.S.C. § 300aa-12(d)(4)(B), however, the parties may object to the published Decision’s inclusion of certain kinds of confidential information. Specifically, under Vaccine Rule 18(b), each party has fourteen days within which to request redaction “of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy.” Vaccine Rule 18(b). Otherwise, the whole Decision will be available to the public in its current form. *Id.*

² The Vaccine Program comprises Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3758, codified as amended at 42 U.S.C. §§ 300aa-10 through 34 (2012) (“Vaccine Act” or “the Act”). Individual section references hereafter will be to § 300aa of the Act (but will omit that statutory prefix).

Respondent denies that Petitioner has met her burden to demonstrate she suffered a SIRVA table injury, and the matter went to hearing in May 2021. However, on December 21, 2021, the parties filed a stipulation maintaining their positions but agreeing that the issues before them can be settled, and that a decision should be entered awarding Petitioner compensation. ECF No. 78.

I have reviewed the file, and based upon that review I conclude that the parties' stipulation (as attached hereto) is reasonable. I therefore adopt it as my decision in awarding damages on the terms set forth therein.

The stipulation awards:

- A lump sum payment of \$60,000.00, in the form of a check payable to Petitioner Sharon Cain. This amount represents compensation for all elements of compensation under Vaccine Act Section 15(a) to which Petitioner is entitled.

I approve a Vaccine Program award in the requested amount set forth above to be made to Petitioner. In the absence of a motion for review filed pursuant to RCFC Appendix B, the Clerk of the Court is directed to enter judgment herewith.³

IT IS SO ORDERED.

/s/ Brian H. Corcoran
Brian H. Corcoran
Chief Special Master

³ Pursuant to Vaccine Rule 11(a), the parties may expedite entry of judgment by each filing (either jointly or separately) a notice renouncing their right to seek review.