

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 17-0332V

Filed: April 25, 2018

UNPUBLISHED

CARMEN GONZALEZ,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Special Processing Unit (SPU);
Damages Decision Based on Proffer;
Hepatitis B (Hep B) Vaccine;
Shoulder Injury Related to Vaccine
Administration (SIRVA)

John Robert Howie, Howie Law, PC, Dallas, TX, for petitioner.

Robert Paul Coleman, III, U.S. Department of Justice, Washington, DC, for respondent.

DECISION AWARDING DAMAGES¹

Dorsey, Chief Special Master:

On March 10, 2017, 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") due to a Hepatitis B vaccination received on May 20, 2015. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On April 25, 2018, a ruling on entitlement was issued, finding petitioner entitled to compensation for her SIRVA. On April 25, 2018, respondent filed a Rule 4(c) report including a proffer on award of compensation ("Proffer") indicating that petitioner should be awarded \$109,586.83, representing compensation for lost earnings and pain and suffering, payable to petitioner; and \$5,390.52, representing compensation for satisfaction of the State of Illinois Medicaid lien, payable jointly to petitioner and the

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website,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).

Illinois Department of Healthcare and Family Services. Proffer at 4. In the Proffer, respondent represented that petitioner agrees 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 the following compensation:**

1. **A lump sum payment of \$109,586.83 in the form of a check payable to petitioner, Carmen Gonzalez.** This amount represents compensation for all damages that would be available under § 300aa-15(a); and
2. **A lump sum payment of \$5,390.52, representing compensation for satisfaction of the State of Illinois Medicaid lien,** payable jointly to petitioner and

Illinois Department of Healthcare and Family Services
Attn: Kevin Thornton
Bureau of Collections – Technical Recovery Section
201 South Grand Avenue East, Basement
Springfield, Illinois 62763
Recipient name: Carmen Gonzalez
Recipient ID: 188282438

Petitioner agrees to endorse this payment to the Illinois Department of Healthcare and Family Services.

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.