

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 170830V

Filed: July 5, 2019

UNPUBLISHED

DEANNA WILLIAMS,

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)

Shealene Priscilla Mancuso, Muller Brazil, LLP, Dresher, PA, for petitioner.

Ryan Daniel Pyles, U.S. Department of Justice, Washington, DC, for respondent.

DECISION AWARDING DAMAGES¹

Dorsey, Chief Special Master:

On June 20, 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 injury (“SIRVA”) as a result of her October 22, 2014 influenza (“flu”) vaccination. Petition at 1-2. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On January 31, 2019, a ruling on entitlement was issued, finding petitioner entitled to compensation for SIRVA. On July 3, 2019, respondent filed a proffer on award of compensation (“Proffer”) indicating petitioner should be awarded \$70,688.05

¹ The undersigned intends to post this decision on the United States Court of Federal Claims' website. **This means the decision will be available to anyone with access to the internet.** 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. Because this unpublished decision contains a reasoned explanation for the action in this case, undersigned is required to post it on the United States Court of Federal Claims' website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).

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).

consisting of \$70,000.00 to petitioner and \$688.05 for satisfaction of the State of California Medicaid lien. Proffer at 1. In the Proffer, respondent represented that petitioner agrees with the proffered award. *Id.* 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:**

- (1) a lump sum of \$70,000.00 in the form of a check payable to petitioner; and**
- (2) a lump sum payment of \$688.05, representing compensation for satisfaction of the State of California Medicaid lien, payable jointly to petitioner and**

**Department of Health Care Services
Recovery Branch - MS 4720
P.O. Box 997421
Sacramento, CA 95899-7421.**

Petitioner agrees to endorse this payment to the State. These amounts represent compensation for all damages that would be available under § 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.

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

DEANNA WILLIAMS,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

No. 17-830V

Chief Special Master Nora Beth Dorsey
ECF

RESPONDENT’S PROFFER ON AWARD OF COMPENSATION

On January 31, 2018, the Court entered its “Finding of Fact and Ruling on Entitlement,” finding petitioner entitled to compensation.¹ Respondent now proffers that the Court award the following for all compensation for damages available under 42 U.S.C. § 300aa-15(a):

- (1) A lump sum of \$70,000.00 in the form of a check payable to petitioner;² and
- (2) A lump sum payment of \$688.05, representing compensation for satisfaction of the State of California Medicaid lien, payable jointly to petitioner and

Department of Health Care Services
Recovery Branch - MS 4720
P.O. Box 997421
Sacramento, CA 95899-7421.

Petitioner agrees to endorse this payment to the State.

¹ Respondent reserves the right to seek review of the Court’s “Finding of Fact and Ruling on Entitlement,” pursuant to 42 U.S.C. § 300aa-12(e), following the issuance of a decision by the Chief Special Master ordering the entry of final judgment.

² 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 pain and suffering, and future lost wages.

Petitioner agrees with the proffered award of \$70,000.00, in addition to \$688.05 to satisfy the aforementioned Medicaid lien.³

Respectfully submitted,

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Acting Director
Torts Branch, Civil Division

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s/ RYAN D. PYLES
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Dated: July 3, 2019

³ This proffer does not include any award for attorneys' fees and costs that may be awarded pursuant to 42 U.S.C. § 300aa-15(e).