

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 17-995V

Filed: August 24, 2022

UNPUBLISHED

CHERI LANG,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Special Master Horner

Damages; Shoulder Injury  
Related to Vaccine  
Administration (“SIRVA”);  
Influenza (“Flu”) Vaccine

*Leah VaSahnja Durant, Law Offices of Leah V. Durant, PLLC, Washington, DC, for petitioner.*

*Colleen Clemons Hartley, U.S. Department of Justice, Washington, DC, for respondent.*

### **DECISION AWARDING DAMAGES**<sup>1</sup>

On July 24, 2017, petitioner filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10,<sup>2</sup> et seq., (“the Vaccine Act”). (ECF No. 1.) Petitioner alleged that she suffered from a shoulder injury related to vaccine administration (“SIRVA”) resulting from an influenza (“flu”) vaccine she received on October 11, 2016. (*Id.*) On December 11, 2020, I issued a ruling on entitlement finding that petitioner is entitled to compensation for her SIRVA. (ECF No. 87.)

On July 25, 2022, I issued a ruling on damages finding that petitioner should be awarded \$195,000.00 for actual (past) pain and suffering, \$400 per year for 34.5 years for projected (future) pain and suffering, \$3,059.11 for past lost wages, and \$4,847.18 for past unreimbursable expenses. (ECF No. 113.) The parties were ordered to file a

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<sup>1</sup> Because this decision contains a reasoned explanation for the special master’s action in this case, it will be posted on the United States Court of Federal Claims’ website in accordance with the E-Government Act of 2002. See 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **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 the special master, upon review, agrees that the identified material fits within this definition, it will be redacted from public access.

<sup>2</sup> All references to “§ 300aa” below refer to the relevant section of the Vaccine Act at 42 U.S.C. § 300aa-10-34.

joint status report converting the award for projected pain and suffering to its net present value (*id.*), which petitioner filed on August 24, 2022 (ECF No. 114). The parties agreed on a net present value award of \$10,457.43. (ECF No. 114.) I find the parties' proposed reduction to net present value to be reasonable.

In light of the above, and for all the reasons discussed in the July 25, 2022 ruling on damages, **I award petitioner a lump sum payment of \$213,363.72, representing \$195,000.00 for actual pain and suffering, \$10,457.43 for projected pain and suffering, \$3,059.11 for lost wages, and \$4,847.18 for past unreimbursable expenses, in the form of a check payable to petitioner.** This amount represents compensation for all damages available under § 15(a).

The clerk of the court is directed to enter judgment in accordance with this decision.<sup>3</sup>

**IT IS SO ORDERED.**

**s/Daniel T. Horner**  
Daniel T. Horner  
Special Master

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<sup>3</sup> 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.