

# In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 18-32V

Filed: March 15, 2019

UNPUBLISHED

VELVA CAROL SLOAN,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Special Processing Unit (SPU);  
Damages Decision Based on Proffer;  
Influenza (Flu) Vaccine; Guillain-  
Barre Syndrome (GBS)

*Maximillian J. Muller, Muller Brazil, LLP, Dresher, PA, for petitioner.*

*Brittany Alexandra Anne Ditto, U.S. Department of Justice, Washington, DC, for respondent.*

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

**Dorsey**, Chief Special Master:

On January 5, 2018, petitioner filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,<sup>2</sup> (the “Vaccine Act”). Petitioner alleges that she suffered Guillain-Barre Syndrome (“GBS”) as a result of her October 8, 2015 influenza (“flu”) vaccination. Petition at 1-4. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On December 6, 2018, a ruling on entitlement was issued, finding petitioner entitled to compensation for GBS. On March 12, 2019, respondent filed a proffer on award of compensation (“Proffer”) indicating petitioner should be awarded \$115,845.50.

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 Because this unpublished decision contains a reasoned explanation for the action in this case, undersigned is required to post it on the United States Court of Federal Claims' website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

<sup>2</sup> 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).

“The award is comprised of the following: \$115,000.00 in pain and suffering and \$845.50 in out-of-pocket unreimbursed medical expenses.” 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 petitioner a lump sum payment of \$115,845.50 (representing \$115,000.00 in pain and suffering and \$845.50 in out-of-pocket unreimbursed medical expenses) in the form of a check payable to petitioner, Velva Carol Sloan.** This amount represents compensation for all damages that would be available under § 15.

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

**IT IS SO ORDERED.**

**s/Nora Beth Dorsey**  
Nora Beth Dorsey  
Chief 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.

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

VELVA CAROL SLOAN,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 18-32V
	)	Chief Special Master Dorsey
	)	ECF
SECRETARY OF HEALTH AND	)	SPU
HUMAN SERVICES,	)	
	)	
Respondent.	)	

**RESPONDENT’S PROFFER ON AWARD OF COMPENSATION**

**I. Items of Compensation**

On December 3, 2018, respondent filed a Vaccine Rule 4(c) report concluding that petitioner suffered Guillian-Barre Syndrome (“GBS”), an injury that is compensable under the National Childhood Vaccine Injury Act of 1986, as amended, 42 U.S.C. §§300aa-10 to -34. Accordingly, on December 6, 2018, the Chief Special Master issued a Ruling on Entitlement, finding that petitioner is entitled to compensation. Respondent now proffers that petitioner should be awarded \$115,845.50. The award is comprised of the following: \$115,000.00 in pain and suffering and \$845.50 in out-of-pocket unreimbursed medical expenses. This amount represents compensation for all elements of compensation under 42 U.S.C. §300aa-15(a) to which petitioner is entitled. Petitioner agrees.

**II. Form of the Award**

The parties recommend that compensation provided to petitioner should be made through a lump sum payment of \$115,845.50, in the form of a check payable to petitioner. Petitioner agrees.

Petitioner is a competent adult. Evidence of guardianship is not required in this case.

Respectfully submitted,

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DATED: March 12, 2019