

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 18-0720V

UNPUBLISHED

PATRICIA WRIGHT,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: February 21, 2020

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

Timothy James Lessman, Knutson & Casey Law Firm, Mankato, MN, for petitioner.

Claudia Barnes Gangi, U.S. Department of Justice, Washington, DC, for respondent.

DECISION AWARDING DAMAGES¹

On May 22, 2018, 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 Guillain-Barré Syndrome (GBS) after receiving the influenza vaccination on October 26, 2016. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On September 24, 2019, a ruling on entitlement was issued, finding Petitioner entitled to compensation for her GBS. On February 12, 2020, Respondent filed a proffer on award of compensation (“Proffer”) indicating Petitioner should be awarded \$145,168.90, representing compensation in the amount of \$140,000.00 for Petitioner’s actual and projected pain and suffering and in the amount of \$5,168.90 for Petitioner’s past unreimburseable expenses. Proffer at 1. In the Proffer, Respondent represented

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims’ website in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). **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, I agree that the identified material fits within this definition, I 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).

that Petitioner agrees with the proffered award. *Id.* Based on the record as a whole, I find that Petitioner is entitled to an award as stated in the Proffer.

Pursuant to the terms stated in the attached Proffer, **I award Petitioner a lump sum payment of \$145,168.90, representing compensation in the amount of \$140,000.00 for her actual and projected pain and suffering and in the amount of \$5,168.90 for her actual unreimbursable expenses in the form of a check payable to Petitioner.** This amount represents 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/Brian H. Corcoran
Brian H. Corcoran
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.

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

PATRICIA WRIGHT,)	
)	
Petitioner,)	
v.)	No. 18-720V
)	Chief Special Master Corcoran
SECRETARY OF HEALTH AND)	ECF
HUMAN SERVICES,)	
)	
Respondent.)	

RESPONDENT’S PROFFER ON AWARD OF COMPENSATION

On September 16, 2019, respondent conceded that entitlement to compensation was appropriate under the terms of the Vaccine Act. **ECF No. 32**. Thereafter, on September 24, 2019, the Court issued a Ruling on Entitlement, finding that petitioner was entitled to vaccine compensation for her Guillain-Barre Syndrome (GBS). **ECF No. 34**. Based upon the evidence of record, respondent proffers the following:

I. Items of Compensation

A. Pain and Suffering

Respondent proffers that the Court should award petitioner a lump sum of \$140,000.00 for her actual and projected pain and suffering. This amount reflects that the award for projected pain and suffering has been reduced to net present value. *See* **42 U.S.C. § 300aa-15(a)(4)**.

Petitioner agrees.

B. Past Unreimbursable Expenses

Respondent proffers that the Court should award petitioner a lump sum of \$5,168.90 for past unreimbursable expenses, as provided under **42 U.S.C. § 300aa-15(a)(1)(A)**. Petitioner agrees.

II. Form of the Award

The parties recommend that compensation provided to petitioner should be made through a lump sum payment of **\$145,168.90**, in the form of a check payable to petitioner.¹ Petitioner agrees.

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

Respectfully submitted,

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s/ Claudia B. Gangi
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Dated: February 12 2020

¹ 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 pain and suffering.