

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 18-814V

UNPUBLISHED

JIAQIAN WU,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: November 12, 2019

Special Processing Unit (SPU);  
Damages Decision Based on Proffer;  
Influenza (Flu) Vaccine; Shoulder  
Injury Related to Vaccine  
Administration (SIRVA)

*Bridget Candace McCullough, Muller Brazil, LLP, Dresher, PA, for petitioner.*

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

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

On June 8, 2018, Jiaqian Wu 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 a left shoulder injury related to vaccine administration (SIRVA). Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On September 10, 2019, a ruling on entitlement was issued, finding Petitioner entitled to compensation for SIRVA. On November 8, 2019, Respondent filed a proffer on award of compensation (“Proffer”) indicating Petitioner should be awarded \$87,500 for her actual and projected pain and suffering and \$1,474.75 for past unreimbursable expenses. Proffer at 1-2. In the Proffer, Respondent represented that Petitioner agrees

---

<sup>1</sup> I intend 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, I agree that the identified material fits within this definition, I will redact such material from public access. Because this unpublished decision contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in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).

<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).

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 \$88,974.75 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.<sup>3</sup>

**IT IS SO ORDERED.**

**s/Brian H. Corcoran**

Brian H. Corcoran  
Chief Special Master

---

<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**

_____	)	
JIAQIAN WU,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 18-814V (ECF)
	)	Chief Special Master Corcoran
	)	
SECRETARY OF HEALTH AND	)	
HUMAN SERVICES,	)	
	)	
Respondent.	)	
_____	)	

**PROFFER ON AWARD OF COMPENSATION**

On August 29, 2019, respondent filed a Rule 4(c) Report, in which he conceded that petitioner sustained the onset of a left shoulder injury related to vaccine administration (“SIRVA”) within the time period set forth in the Vaccine Injury Table, following her receipt of an influenza (“flu”) vaccine administered on October 25, 2016. Docket No. 28. On September 10, 2019, the Court issued a Ruling on Entitlement, finding that petitioner is entitled to compensation. Docket No. 29.

**I. Items of Compensation**

A. Pain and Suffering

Respondent proffers that the Court should award petitioner a lump sum of \$87,500.00 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 \$1,474.75 for past unreimbursable expenses, as provided under [42 U.S.C. § 300aa-15\(a\)\(1\)\(A\)](#). Petitioner agrees.

**II. Form of the Award**

Petitioner is a competent adult. Evidence of guardianship is not required in this case. Respondent recommends that the compensation provided to petitioner should be made through a lump sum payment of \$88,974.75, in the form of a check payable to petitioner, which represents all elements of compensation to which petitioner would be entitled under [42 U.S.C. § 300aa-15\(a\)](#).<sup>1</sup> Petitioner agrees.

Respectfully submitted,

JOSEPH H. HUNT  
Assistant Attorney General

C. SALVATORE D’ALESSIO  
Acting Director  
Torts Branch, Civil Division

CATHARINE E. REEVES  
Deputy Director  
Torts Branch, Civil Division

ALEXIS B. BABCOCK  
Assistant Director  
Torts Branch, Civil Division

---

<sup>1</sup> Should petitioner die prior to the entry of judgment, the parties reserve the right to move the Court for appropriate relief. In particular, respondent would oppose any award for future future pain and suffering.

s/ Claudia B. Gangi  
CLAUDIA B. GANGI  
Senior Trial Attorney  
Torts Branch, Civil Division  
U.S. Department of Justice  
P.O. Box 146  
Benjamin Franklin Station  
Washington D.C. 20044-0146  
Tel: (202) 616-4138  
[claudia.gangi@usdoj.gov](mailto:claudia.gangi@usdoj.gov)

Dated: November 8, 2019