

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS

Filed: September 6, 2019

FRANLINE LUCINDA DESTIN, *

No. 18-1206V

Petitioner, *

Special Master Sanders

v. *

SECRETARY OF HEALTH AND HUMAN SERVICES, *

Stipulation for Award; Influenza ("flu") Vaccine; Shoulder Injury; Bone Marrow Edema; Bursitis.

Respondent. *

Carol L. Gallagher, Somers Point, NJ, for Petitioner.

Sarah C. Duncan, United States Department of Justice, Washington, DC, for Respondent.

DECISION

On August 13, 2018, Franline Destin ("Petitioner") filed a petition for compensation pursuant to the National Vaccine Injury Compensation Program. 42 U.S.C. §§ 300aa-10 to -34 (2012). Petitioner alleged that the influenza ("flu") vaccine she received on October 30, 2017, caused her to suffer left shoulder injuries, including bone marrow edema/contusion in the greater tuberosity/humeral neck and mild subacromial/subdeltoid bursitis. See Stip. at 1, ECF No. 30. Petitioner further alleged that she experienced the residual effects of her injury for more than six months. Id.

On September 6, 2019, the parties filed a stipulation in which they state that a decision should be entered awarding compensation to Petitioner. Id. at 2. Respondent denies that the flu vaccine caused Petitioner's alleged left shoulder injuries, or any other injury (including a Shoulder Injury Related to Vaccine Administration or "SIRVA"). Id. Nevertheless, the parties agree to the joint stipulation, attached hereto as Appendix A. I find the stipulation reasonable and adopt it as the decision of the Court in awarding damages, on the terms set forth therein.

1 This Decision shall be posted on the website of the United States Court of Federal Claims, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2012)). This means the Decision will be available to anyone with access to the Internet. As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b).

2 National Childhood Vaccine Injury Act of 1986, Pub L. No. 99-660, 100 Stat. 3755.

The parties stipulate that Petitioner shall receive the following compensation:

A lump sum of \$40,221.86 in the form of a check payable to [P]etitioner. This amount represents compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a).

Id.

I approve the requested amount for Petitioner's compensation. Accordingly, an award should be made consistent with the stipulation.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the Clerk of Court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.³

IT IS SO ORDERED.

s/Herbrina D. Sanders
Herbrina D. Sanders
Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.