

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 18-1574V

UNPUBLISHED

GEORGIE FLETCHER,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: July 10, 2020

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

Matthew F. Belanger, Faraci Lange, LLP, Rochester, NY, for petitioner.

Christine Mary Becer, U.S. Department of Justice, Washington, DC, for respondent.

DECISION AWARDING DAMAGES¹

On October 10, 2018, Georgie Fletcher 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 developed Guillain-Barre Syndrome (“GBS”) as a result of a November 3, 2015 influenza (“flu”) vaccine. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On March 2, 2020, a ruling on entitlement was issued, finding Petitioner entitled to compensation for GBS. On July 10, 2020, Respondent filed a proffer on award of compensation (“Proffer”) indicating Petitioner should be awarded \$343,209.26 (\$137,500.00 for pain and suffering and \$205,709.26 for past and future lost wages) and funds to satisfy the New York City Department of Social Services lien in the amount of \$9,042.20. Proffer at 1-2. In the Proffer, Respondent represented that Petitioner

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in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).

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 the following compensation:**

- **Funds to satisfy the New York City Department of Social Services lien in the amount of \$9,042.20, which represents full satisfaction of any right of subrogation, assignment, claim, lien, or cause of action the New York City Department of Social Services may have against any individual as a result of any Medicaid payments that the New York City Department of Social Services has made to or on behalf of Petitioner from the date of her eligibility for benefits through the date of judgment in this case as a result of her vaccine-related injury suffered on or about November 3, 2015, under Title XIX of the Social Security Act. Reimbursement of the New York City Department of Social Services lien shall be made through a lump sum payment of \$9,042.20, representing compensation for satisfaction of the New York City Department of Social Services, payable jointly to Petitioner and**

**NYC Department of Social Services
ATTN: Michelle Cordner
Division of Liens and Recovery
375 Pearl Street
New York, NY 10038**

Petitioner agrees to endorse this payment to the New York City Department of Social Services.

- **A lump sum payment of \$343,209.26 (\$137,500.00 for pain and suffering and \$205,709.26 for past and future lost wages) in the form of a check payable to Petitioner.**

This 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**

_____)	
GEORGIE FLETCHER,)	
)	
Petitioner,)	
)	No. 18-1574V
v.)	Chief Special Master Corcoran
)	ECF
SECRETARY OF HEALTH AND)	
HUMAN SERVICES,)	
)	
Respondent.)	
_____)	

RESPONDENT’S PROFFER OF DAMAGES

I. Procedural History

On March 2, 2020, respondent filed a Vaccine Rule 4(c) report concluding that petitioner suffered 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 March 2, 2020, the Chief Special Master issued a Ruling on Entitlement, finding that petitioner was entitled to vaccine compensation for Guillain-Barré Syndrome as a result of the influenza vaccine she received on November 3, 2015.

II. Items of Compensation and Form of the Award

Based upon the evidence of record, respondent proffers, and the parties recommend, that compensation be made through a lump sum as described below, and request that the Chief Special Master's decision and the Court's judgment award the following:

A. Medicaid Lien

Respondent proffers that petitioner should be awarded funds to satisfy the New York City Department of Social Services lien in the amount of \$9,042.20, which represents full satisfaction

of any right of subrogation, assignment, claim, lien, or cause of action the New York City Department of Social Services may have against any individual as a result of any Medicaid payments that the New York City Department of Social Services has made to or on behalf of petitioner from the date of her eligibility for benefits through the date of judgment in this case as a result of her vaccine-related injury suffered on or about November 3, 2015, under Title XIX of the Social Security Act. Reimbursement of the New York City Department of Social Services lien shall be made through a lump sum payment of \$9,042.20, representing compensation for satisfaction of the New York City Department of Social Services, payable jointly to petitioner and

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B. Pain and Suffering and Out-of-Pocket Expenses

Based upon the evidence of record, respondent proffers that petitioner should be awarded \$343,209.26 (\$137,500.00 for pain and suffering and \$205,709.26 for past and future lost wages).

This represents all elements of compensation to which petitioner would be entitled under 42 U.S.C. § 300aa-15(a).¹ Petitioner agrees. Petitioner is a competent adult. Evidence of guardianship is not required in this case.

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 medical expenses, future lost earnings, and future pain and suffering.

Respectfully submitted,

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Acting Director
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Torts Branch, Civil Division

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/s/Christine M. Becer
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Dated: July 10, 2020