

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 18-0138V

UNPUBLISHED

MADISON EDWARDS,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: December 13, 2019

Special Processing Unit (SPU);
Decision Awarding Damages; Pain
and Suffering; Meningococcal
Vaccine; Vasovagal Syncope

Damon Louis Beard, Townsley Law Firm, Lake Charles, LA, for petitioner.

Adriana Ruth Teitel, U.S. Department of Justice, Washington, DC, for respondent.

DECISION AWARDING DAMAGES¹

On January 28, 2019, Madison Edwards 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 a syncopal episode upon receiving a meningitis vaccination on January 29, 2016, which resulted in “injuries, including fractured jaw, ruptured eardrum, chin laceration and fractured teeth.” Petition at Preamble, ¶16. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On October 5, 2019, a ruling on entitlement was issued finding Petitioner entitled to compensation. On December 12, 2019, Respondent filed a proffer on award of compensation (“Proffer”) indicating Petitioner should be awarded damages in the amount \$101,287.69, representing compensation in the amount of \$100,000.00 for actual pain and suffering, \$915.00 for past unreimbursable expenses, and \$372.69 for payment of a Medicaid lien. Proffer at 1-2. In the Proffer, Respondent represented that Petitioner

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in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

- a) lump sum payment of **\$372.69**, representing compensation for full satisfaction of a State of Louisiana Medicaid lien, in the form of a check payable jointly to Petitioner and

AmeriHealth Caritas Medicaid
c/o Discovery Health Partners
2 Pierce Place, Suite 1900
Itasca, IL 60143
Case Number: 95576

Petitioner agrees to endorse this payment to AmeriHealth Caritas Medicaid.

- b) a lump sum of **\$100,915.00** in the form of a check payable to Petitioner. This amount represents compensation for all remaining damages that would be available under 42 U.S.C. § 300aa-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**

MADISON EDWARDS,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

No. 19-138V

Chief Special Master Corcoran (SPU)
ECF

RESPONDENT'S PROFFER ON AWARD OF COMPENSATION

I. Compensation for Vaccine Injury-Related Items

On October 4, 2019, respondent filed a Rule 4(c) Report conceding that petitioner is entitled to vaccine compensation for her vasovagal syncope that occurred following receipt of a meningococcal vaccination. The Chief Special Master's Ruling on Entitlement, adopting respondent's recommendation, was issued the same day.

Based upon the evidence of record, respondent proffers that petitioner¹ should be awarded \$101,287.69. This is comprised of pain and suffering (\$100,000.00), unreimbursable out of pocket expenses (\$915.00), and payment of a Medicaid lien (\$372.69), and represents all elements of compensation to which petitioner would be entitled under **42 U.S.C. § 300aa-15(a)**.² Petitioner agrees.

¹ Petitioner is a competent adult, therefore evidence of guardianship is not required in this case.

² 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 and future pain and suffering.

II. Form of the Award

Respondent recommends that the compensation provided to petitioner should be made through:

- a) lump sum payment of **\$372.69**, representing compensation for full satisfaction of a State of Louisiana Medicaid lien, in the form of a check payable jointly to petitioner and

AmeriHealth Caritas Medicaid
c/o Discovery Health Partners
2 Pierce Place, Suite 1900
Itasca, IL 60143
Case Number: 95576

Petitioner agrees to endorse this payment to AmeriHealth Caritas Medicaid.

- b) a lump sum of **\$100,915.00** in the form of a check payable to petitioner. This amount represents compensation for all remaining damages that would be available under **42 U.S.C. § 300aa-15(a)**.

Petitioner agrees.

Respectfully submitted,

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/s/ Adriana Teitel
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Dated: December 12, 2019