In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

Filed: May 8, 2025

MAUREEN NELSON,	*	No. 19-438V
Petitioner,	*	Special Master Young
v.	*	
SECRETARY OF HEALTH AND HUMAN SERVICES,	*	
Respondent.	*	

Robert Joel Krakow, Law Office of Robert J. Krakow, P.C., New York, NY, for Petitioner.
Colleen Clemons Hartley, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION AWARDING DAMAGES[1]

On March 25, 2019, Maureen Nelson ("Petitioner") filed a petition for compensation under the National Vaccine Injury Compensation Program ("Vaccine Program" or "Program"). 42 U.S.C. § 300aa-10 to 34 (2018). Petitioner alleged that the influenza ("flu") vaccine she received on December 22, 2016, caused her to develop Guillain-Barré Syndrome ("GBS"), a Table injury. Am. Pet., ECF No. 11. On April 6, 2020, Respondent filed his report pursuant to Vaccine Rule 4(c) and "recommend[ed] that compensation be awarded." Resp't's Report at 1, ECF No. 27. Respondent specified that "[t]he scope of damages to be awarded is limited to [P]etitioner's GBS and its related sequelae only." *Id.* at 5. On April 7, 2020, Chief Special Master Brian H. Corcoran issued a Ruling consistent with Respondent's concession that Petitioner was entitled to compensation. ECF No. 28.

On April 17, 2025, I issued a Ruling on damages, awarding Petitioner a total pain and suffering award of $190,000.00, a payment of $9,254.65 to satisfy her Medicaid lien, and an amount sufficient to fund a Life Care Plan. Ruling Awarding Damages at 1, 18, ECF No. 139. That Ruling is incorporated herein as if fully set forth. I also ordered the parties to file a joint status report including a complete and final Life Care Plan reflecting all items of damages agreed

[1]This Decision will be posted on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, 44 U.S.C. § 3501 note (2018) (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), a party has 14 days to identify and move to delete medical or other information that satisfies the criteria in § 300aa-12(d)(4)(B). Further, consistent with the rule requirement, a motion for redaction must include a proposed redacted Decision. If, upon review, I agree that the identified material fits within the requirements of that provision, such material will be deleted from public access.

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to as well as those awarded consistent with the Ruling, and a list of all other items of damages agreed to by the parties. *Id.* at 18.

On May 6, 2025, Respondent filed a joint status report (attached hereto as Appendix A). Joint Status Report, ECF No. 141. The parties provided a chart illustrating all life care items agreed upon and as awarded in my Ruling. *Id.* at 7 (Tab A). The parties requested that compensation be provided to Petitioner through a combination of lump sum payments and future annuity payments. *Id.* at 3-5.

Therefore, based on the record as a whole, and pursuant to my damages Ruling, I find that Petitioner is entitled to an award as ordered below:

A. A lump sum payment of $212,867.83, representing compensation for life care expenses, including those items awarded by the Special Master referenced in footnote one of the Joint Status Report, expected to be incurred during the first year after judgment ($22,867.83), and pain and suffering ($190,000.00), to be paid through an ACH deposit to Petitioner's counsel's IOLTA account for prompt disbursement to Petitioner.

B. A lump sum payment of $9,254.65, representing compensation for satisfaction of the New York State Department of Health Medicaid lien, in the form of a check payable jointly to Petitioner and:

NEW YORK STATE DEPARTMENT OF HEALTH
P.O. Box 415874
Boston, MA 02241-5874
Recovery Case Number: 258022

Petitioner agrees to endorse this payment to the New York State Department of Health.

C. An amount sufficient to purchase an annuity contract described in Section II.C. of the Joint Status Report.

Joint Status Report at 3–6. These amounts represent compensation for all damages that would be available under § 300aa-15(a). The Clerk of Court is directed to enter judgment in accordance with this decision.

IT IS SO ORDERED.

s/Herbrina D. S. Young
Herbrina D. S. Young
Special Master