

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 19-0681V

UNPUBLISHED

RHEANAN HOFFMAN,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: November 23, 2021

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

*Jerome A. Konkol, Samster, Konkol & Safran, S.C., Milwaukee, WI, for Petitioner.*

*Camille Michelle Collett, U.S. Department of Justice, Washington, DC, for Respondent.*

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

On May 8, 2019, Rheanan Hoffman 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 shoulder injury related to vaccine administration (“SIRVA”) as a result of an influenza (“flu”) vaccine that was administered to her on September 6, 2017. See Petition. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On November 23, 2021, a ruling on entitlement was issued, finding Petitioner entitled to compensation for SIRVA. On November 22, 2021, Respondent filed a combined Rule 4/proffer on award of compensation (“Proffer”) indicating Petitioner should be awarded: (A) a lump sum payment of \$99,000.00; (B) a lump sum payment of \$314.94, which amount represents compensation for satisfaction of a State of Wisconsin Medicaid

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 Because this unpublished Decision contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in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

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

lien; and (C) a lump sum payment of \$504.60, which amount represents compensation for satisfaction of a Dean Health Plan lien. Rule 4/Proffer at 5-6. In the Proffer, Respondent represented that Petitioner agrees with the proffered award. *Id.* at 5. Based on the record as a whole, I find that Petitioner is entitled to an award as stated in the Rule 4/Proffer.

Pursuant to the terms stated in the Rule 4/Proffer, **I award Petitioner the following compensation:**

- 1. A lump sum payment of \$99,000.00 in the form of a check payable to Petitioner, Rheanan Hoffman; and**
- 2. A lump sum payment of \$314.94, representing compensation for satisfaction of the State of Wisconsin Medicaid lien, payable jointly to Petitioner, Rheanan Hoffman, and to:**

**Wisconsin Casualty Recovery  
5615 High Point Drive, Suite 100  
Irving, TX 75038-9984**

**Petitioner agrees to endorse this payment to Wisconsin Casualty Recovery.**

- 3. A lump sum payment of \$504.60, representing compensation for satisfaction of the Dean Health Plan lien, payable jointly to Petitioner, Rheanan Hoffman, and to:**

**Dean Health Plan  
1277 Deming Way  
Madison, WI 53717  
File No. 50875**

**Petitioner agrees to endorse this payment to Dean Health Plan.**

This amount represents compensation for all damages that would be available under Section 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

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<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.

Chief Special Master