

On April 1, 2022, Respondent filed an Amended Rule 4(c) Report advising that “he will not defend this case on other grounds during further proceedings before the Office of Special Masters,” but reserved his right to appeal the factual finding. Amended Resp’t’s Rep. at 2. Respondent indicated that Petitioner “has otherwise satisfied the legal prerequisites for compensation under the Vaccine Act.” *Id.* Respondent requested that I decide the issue of entitlement based on the existing record. *Id.*

That same day, I issued a Ruling on Entitlement, finding Petitioner entitled to vaccine compensation for her SIRVA. ECF No. 42.

Respondent filed a proffer (ECF No. 45) on April 22, 2022, agreeing to issue the following payments:

1. A Lump Sum

A lump sum of **\$121,483.61**, which amount represents pain and suffering (\$115,000.00) and past unreimbursable expenses (\$6,483.61) related to Petitioner’s SIRVA injury.

Proffer at 2. This amount represents compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a).

I approve a Vaccine Program award in the requested amount set forth above to be made to Petitioner. In the absence of a motion for review filed pursuant to RCFC Appendix B, the Clerk of the Court is directed to enter judgment herewith.³

IT IS SO ORDERED.

s/ Katherine E. Oler

Katherine E. Oler
Special Master

³ Pursuant to Vaccine Rule 11(a), the parties may expedite entry of judgment by jointly filing notice renouncing their right to seek review.

I. Items of Compensation

A. Pain and Suffering

Based on the evidence of record, respondent proffers that petitioner should be awarded **\$115,000.00** in pain and suffering. *See* 42 U.S.C. § 300aa-15(a)(4). Petitioner agrees.

B. Past Unreimbursable Expenses

Evidence supplied by petitioner documents that she incurred past unreimbursable expenses related to her vaccine-related injury. Respondent proffers that petitioner should be awarded past unreimbursable expenses in the amount of **\$6,483.61**. *See* 42 U.S.C. § 300aa-15(a)(1)(B). Petitioner agrees.

These amounts represent all elements of compensation to which petitioner is entitled under 42 U.S.C. § 300aa-15(a). Petitioner agrees.

II. Form of the Award

Petitioner is a competent adult. Evidence of guardianship is not required in this case. Respondent recommends that the compensation provided to petitioner should be made through a lump sum payment as described below and requests that the Chief Special Master's decision and the Court's judgment award the following²: a lump sum payment of **\$121,483.61**, in the form of a check payable to petitioner.

reserves his right, pursuant to 42 U.S.C. § 300aa-12(e), to seek review of the Special Master's April 1, 2022 entitlement decision.

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 lost earnings and future pain and suffering.

Respectfully submitted,

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