

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 20-0366V

UNPUBLISHED

AMANULLAH AMAN,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: November 2, 2022

Special Processing Unit (SPU);
Damages Decision Based on Proffer;
Influenza (Flu) Vaccine; Tetanus,
Diphtheria, and Pertussis (Tdap);
Shoulder Injury Related to Vaccine
Administration (SIRVA)

Jonathan Svitak, Shannon Law Group, P.C., Woodridge, IL, for Petitioner.

Jennifer A. Shah, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION AWARDING DAMAGES¹

On March 31, 2020, Amanullah Aman 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 he received Tdap and influenza vaccinations on November 3, 2018, and suffered a shoulder injury related to vaccine administration (“SIRVA”) as a result. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On April 25, 2022, a ruling on entitlement was issued, finding Petitioner entitled to compensation for Petitioner’s SIRVA injury. On November 2, 2022, Respondent filed a proffer on award of compensation (“Proffer”) indicating that Petitioner should be awarded \$70,000.00, comprised entirely of compensation for pain and suffering. Proffer at 1. In the Proffer, Respondent represented that Petitioner agrees with the proffered award. *Id.*

¹ Because this unpublished Decision contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in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 section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

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 a lump sum payment of \$70,000.00 in pain and suffering in the form of a check payable to Petitioner.** This amount represents compensation for all damages that would be available under Section 15(a).

The Clerk of 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**

AMANULLAH AMAN,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

No. 20-366V
Chief Special Master Corcoran
SPU

RESPONDENT’S PROFFER ON AWARD OF COMPENSATION

On March 31, 2020, petitioner Amanullah Aman (“petitioner”) filed a petition for compensation (“Petition”) under the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. §§ 300aa-1 to –34, as amended (“Vaccine Act” or “Act”). Petitioner alleges that he suffered a Shoulder Injury Related to Vaccine Administration (“SIRVA”) as a result of influenza (“flu”) and tetanus, diphtheria, and acellular pertussis (“Tdap”) vaccinations administered on November 3, 2018. Petition at 1.

On April 18, 2022, respondent filed his Vaccine Rule 4(c) report, recommending that compensation be awarded. ECF No. 38. On April 25, 2022, this Court issued a Ruling on Entitlement finding petitioner entitled to compensation. ECF No. 39.

I. Items of Compensation

Respondent proffers that petitioner should be awarded **\$70,000.00**, consisting entirely of compensation for pain and suffering. This represents all elements of compensation to which petitioner would be 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 following¹: a lump sum payment of **\$70,000.00**, representing compensation for all elements of economic and noneconomic damages, in the form of a check payable to petitioner, Amanullah Aman.

III. Summary of Recommended Payment Following Judgment

Lump sum payable to petitioner, Amanullah Aman: **\$70,000.00.**

Respectfully submitted,

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Director
Torts Branch, Civil Division

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Torts Branch, Civil Division

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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 lost earnings and future pain and suffering.

s/ Jennifer A. Shah

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Dated: November 2, 2022