

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 20-0446V

UNPUBLISHED

CHRISTINA WELLS,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: December 7, 2021

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

Bridget McCullough, Muller Brazil, LLP, Dresher, PA, for Petitioner.

Mark Hellie, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION AWARDING DAMAGES¹

On April 16, 2020, Christina Wells 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 left shoulder injury related to vaccine administration (SIRVA) as a result of an influenza (“flu”) vaccine received on October 25, 2018. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On September 17, 2021, a ruling on entitlement was issued, finding Petitioner entitled to compensation for a left SIRVA. ECF 27. On December 7, 2021, Respondent filed a proffer on award of compensation (“Proffer”) indicating Petitioner should be awarded \$55,190.21. Proffer at 1. The award is comprised of the following: (1) \$55,000.00

¹ Because this unpublished Decision contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in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

for pain and suffering and (2) \$190.21 for medical expenses paid by Medicaid.³ *Id.* In the Proffer, Respondent represented that Petitioner agrees with the proffered award. *Id.* at 2. 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 compensation through two lump sum payments as follows:**

- 1. A check made payable to Petitioner in the amount of \$55,000.00 for pain and suffering; and**
- 2. A payment of \$190.21, representing compensation for satisfaction of the South Country Health Alliance Medicaid lien, payable jointly to Petitioner and to:**

South Country Health Alliance⁴
2300 Park Dr, Ste 100
Owatonna, MN 55060
ID#: G0585616501

Id. These amounts represent 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.⁵

IT IS SO ORDERED.

s/Brian H. Corcoran
Brian H. Corcoran
Chief Special Master

³ Respondent avers “Th[is] lump sum payment represents full satisfaction of any right of subrogation, assignment, claim, lien, or cause of action the State of Minnesota or the South Country Health Alliance may have against any individual as a result of any Medicaid payments . . . made to or on behalf of petitioner from the date of her eligibility for benefits through the date of judgment in this case as a result of her alleged vaccine-related injury suffered on or about October 25, 2018, under Title XIX of the Social Security Act.” Proffer at 1 n.1.

⁴ Petitioner agrees to endorse this payment to the South Country Health Alliance. Proffer at 2.

⁵ 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
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CHRISTINA WELLS,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

Case No. 20-446V (ECF)
CHIEF SPECIAL MASTER
CORCORAN

RESPONDENT’S PROFFER ON AWARD OF COMPENSATION

I. Procedural History

On September 17, 2021, respondent filed a Vaccine Rule 4(c) report concluding that Christina Wells (“petitioner”) suffered an injury that is compensable under the National Childhood Vaccine Injury Act of 1986, as amended, 42 U.S.C. §§ 300aa-10 to -34 (“the Act”). Accordingly, on September 17, 2021, the Chief Special Master issued a Ruling on Entitlement, finding that petitioner was entitled to compensation under the Act.

II. Items of Compensation and Form of the Award

Based upon the evidence of record, respondent proffers that petitioner should be awarded \$55,190.21. The award is comprised of the following: \$55,000.00 for pain and suffering and \$190.21 for medical expenses paid by Medicaid.¹ This amount represents

¹ The \$190.21 lump sum payment represents full satisfaction of any right of subrogation, assignment, claim, lien, or cause of action the State of Minnesota or the South Country

all elements of compensation to which petitioner would be entitled under 42 U.S.C. § 300aa-15(a) regarding her October 25, 2018, influenza vaccination.

Petitioner agrees.²

III. Form of the Award

Respondent recommends that the compensation provided to petitioner be made through two lump sum payments as described below:

- (1) The parties recommend that compensation provided to petitioner should be made through a lump sum payment of \$55,000.00, in the form of a check payable to petitioner. Petitioner agrees.
- (2) A lump sum payment of \$190.21, representing compensation for satisfaction of the South Country Health Alliance Medicaid lien, payable jointly to petitioner and to:

South Country Health Alliance
2300 Park Drive, Suite 100
Owatonna, MN 55060
ID#: G0585616501

Petitioner agrees to endorse this payment to the South Country Health Alliance.

Health Alliance may have against any individual as a result of any Medicaid payments the State of Minnesota or the South Country Health Alliance made to or on behalf of petitioner from the date of her eligibility for benefits through the date of judgment in this case as a result of her alleged vaccine-related injury suffered on or about October 25, 2018, under Title XIX of the Social Security Act.

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, future lost earnings, and future pain and suffering.

Petitioner is a competent adult. Evidence of guardianship is not required in this case.

Respectfully submitted,

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Acting Assistant Attorney General

C. SALVATORE D’ALESSIO
Acting Director
Torts Branch, Civil Division

HEATHER L. PEARLMAN
Deputy Director
Torts Branch, Civil Division

TRACI R. PATTON
Assistant Director
Torts Branch, Civil Division

s/ Mark K. Hellie

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DATED: December 7, 2021