

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 20-0756V

UNPUBLISHED

CAMILLE JEFFERSON,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: February 17, 2023

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

Ronald Craig Homer, Conway, Homer, P.C., Boston, MA, for Petitioner.

Ronalda Elnetta Kosh, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION AWARDING DAMAGES¹

On June 23, 2020, Camille Jefferson 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 shoulder injury related to vaccine administration (“SIRVA”) as a result of an influenza (“flu”) vaccine that was administered to her on October 14, 2017. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On December 6, 2021, a ruling on entitlement was issued, finding Petitioner entitled to compensation for SIRVA. On February 16, 2023, Respondent filed a proffer on award of compensation (“Proffer”) indicating Petitioner should be awarded (a) a lump sum payment of \$113,044.33 (comprised of \$110,000.00 for pain and suffering and \$3,044.33 for past unreimbursable expenses); and (b) a lump sum payment of \$1,255.06,

¹ Because this unpublished Decision contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in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

representing compensation for satisfaction of the Peach State Health Plan Lien. Proffer at 1-2. In the Proffer, Respondent represented that Petitioner agrees with the proffered award. *Id.* 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. a lump sum payment of \$113,044.33 (comprised of \$110,000.00 for pain and suffering and \$3,044.33 for past unreimbursable expenses) in the form of a check payable to Petitioner; and**
- B. A lump sum payment of \$1,255.06, representing compensation for satisfaction of the Peach State Health Plan lien, in the form of a check payable jointly to Petitioner and the “The Rawlings Company,” and mailed to:**

**The Rawlings Company
ATTN: Ben Sweeney
Reference No: 102580635
P.O. Box 2000
La Grange, KY 40031-2000**

Petitioner agrees to endorse this payment to The Rawlings Company.

These amounts represent 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.

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 \$3,044.33. Petitioner agrees.

C. Medicaid Lien

Respondent proffers that petitioner should be awarded funds to satisfy the Peach State Health Plan lien in the amount of \$1,255.06, which represents full satisfaction of any right of subrogation, assignment, claim, lien, or cause of action the Peach State Health Plan may have against any individual as a result of any Medicaid payment the Peach State Health Plan has made to or on behalf of petitioner from the date of his 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 14, 2017, under Title XIX of the Social Security Act.

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 two lump sum payments as described below and requests that the Chief Special Master's decision and the Court's judgment award the following¹:

- A. A lump sum payment of **\$113,044.33**, in the form of a check payable to petitioner; and

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 pain and suffering.

- B. A lump sum payment of **\$1,255.06**, representing compensation for satisfaction of the Peach State Health Plan lien, in the form of a check payable jointly to petitioner and the “The Rawlings Company”, and mailed to:

The Rawlings Company
ATTN: Ben Sweeney
Reference No: 102580635
P.O. BOX 2000
La Grange, KY 40031-2000

Petitioner agrees to endorse this payment to The Rawlings Company.

III. Summary of Recommended Payments Following Judgment

- A. Lump sum payable to petitioner, Camille Jefferson: **\$113,044.33**
- B. Medicaid lien: **\$1,255.06**

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

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

HEATHER L. PEARLMAN
Deputy Director
Torts Branch, Civil Division

TRACI R. PATTON
Assistant Director
Torts Branch, Civil Division

s/ RONALDA E. KOSH
RONALDA E. KOSH
Trial Attorney
Torts Branch, Civil Division
U.S. Department of Justice
P.O. Box 146
Benjamin Franklin Station
Washington, D.C. 20044-0146
Tel.: (202) 616-4476
Email: ronalda.kosh@usdoj.gov

DATED: February 16, 2023