

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 20-1797V

UNPUBLISHED

ARKIE TUCKER-CORLEY,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: October 26, 2022

Special Processing Unit (SPU);
Damages Decision Based on Proffer;
Influenza (Flu) Vaccine; Chronic
Regional Pain Syndrome (CRPS)

Maximillian J. Muller, Muller Brazil, LLP, Dresher, PA, for Petitioner.

Lauren Kells, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION AWARDING DAMAGES¹

On December 8, 2020, Arkie Tucker-Corley 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 suffered a left shoulder injury related to vaccine administration (“SIRVA”) as a result of an influenza (“flu”) vaccine he received on January 13, 2020. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On July 22, 2022, a ruling on entitlement was issued, finding Petitioner entitled to compensation for chronic regional pain syndrome (“CRPS”). On October 24, 2022, Respondent filed a proffer on award of compensation (“Proffer”) indicating Petitioner should be awarded \$62,500.00 for pain and suffering, and funds to satisfy the Commonwealth of Virginia Medicaid lien in the amount of \$980.07. Proffer at 1-2. In the

¹ Because this unpublished Decision contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in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

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

- A. A lump sum payment of \$62,500.00 in the form of a check payable to Petitioner; and**
- B. A lump sum payment of \$980.07, representing compensation for satisfaction of the Commonwealth of Virginia Medicaid lien, in the form of a check payable jointly to Petitioner and:**

**Treasurer of Virginia
Office of the Attorney General
Financial Recovery Section
Attn: Ethan Benson
Post Office Box 610
Richmond, VA 23218**

Petitioner agrees to endorse the check to the Treasurer of Virginia for satisfaction of the Medicaid lien.

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.

Commonwealth of Virginia may have against any individual as a result of any Medicaid payments the Commonwealth of Virginia has 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 January 13, 2020 under Title XIX of the Social Security Act.

The above amounts represent 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

The parties recommend that compensation provided to petitioner should be made through two lump sum payments described below, and request that the Chief Special Master's decision and the Court's judgment award the following:¹

- A. A lump sum payment of **\$62,500.00** in the form of a check payable to petitioner; and
- B. A lump sum payment of **\$980.07**, representing compensation for satisfaction of the Commonwealth of Virginia Medicaid lien, in the form of a check payable jointly to petitioner and:

Treasurer of Virginia
Office of the Attorney General
Financial Recovery Section
Attn: Ethan Benson
Post Office Box 610
Richmond, VA 23218

Petitioner agrees to endorse the check to the Treasurer of Virginia for satisfaction of the Medicaid lien.

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 medical expenses, future pain and suffering, and future lost wages.

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

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/ Lauren Kells
LAUREN KELLS
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) 616-4187
Email: Lauren.Kells@usdoj.gov

DATED: October 24, 2022