In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 21-556V

PATRICIA SORNOSO, *Personal Representative of the* ESTATE OF MARIE REYES,

Petitioner,

v.

SECRETARY OF HEALTH AND HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: September 22, 2025

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

Dorian Hurley, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION AWARDING DAMAGES[1]

On January 11, 2021, Marie Reyes filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*[2] (the "Vaccine Act"), alleging that she suffered from a shoulder injury related to vaccine administration ("SIRVA") as a result of receiving an influenza ("flu") vaccination on October 27, 2020. Pet., ECF No. 1. She further alleges that she suffered the residual effects of her injury for more than six months. *Id.* The case was assigned to the Special Processing Unit of the Office of Special Masters. On March 12, 2025, an amended petition was filed, and the case caption was amended to name Patricia Sornoso as Petitioner, as the personal representative of the estate of Ms. Reyes, deceased. ECF Nos. 49-50.

On June 17, 2025, a Ruling on Entitlement was issued, finding Petitioner entitled to compensation for Ms. Reyes' SIRVA. ECF No. 55. On September 22, 2025,

[1] Because this Decision contains a reasoned explanation for the action taken in this case, it must be made publicly accessible and will be posted on the United States Court of Federal Claims' website, and/or at https://www.govinfo.gov/app/collection/uscourts/national/cofc, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2018) (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 (2018).

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Respondent filed a Proffer on award of compensation ("Proffer") indicating Petitioner should be awarded $45,000.00 in pain and suffering. Proffer at 2, ECF No. 60. In the Proffer, Respondent represented that Petitioner agrees with the proffered award. *See 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 lump sum payment of $45,000.00 for pain and suffering to be paid through an ACH deposit to Petitioner's counsel's IOLTA account for prompt disbursement to Petitioner, as personal representative of the Estate of Marie Reyes.** 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

PATRICIA SORNOSO, *Personal Representative of the* ESTATE OF MARIE REYES, Petitioner, v. SECRETARY OF HEALTH AND HUMAN SERVICES, Respondent.	No. 21-556V Chief Special Master Corcoran ECF

RESPONDENT'S PROFFER ON AWARD OF COMPENSATION

On January 11, 2021, Marie Reyes ("Ms. Reyes") filed a petition for compensation under the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. §§ 300aa-1 to -34 ("Vaccine Act" or "Act"), alleging that she suffered a shoulder injury related to vaccine administration ("SIRVA"), following the administration of an influenza ("flu") vaccine she received on October 27, 2020. ECF No. 1. On January 13, 2023, petitioner's counsel filed a status report indicating that Ms. Reyes had passed away, and on March 14, 2023, he filed a copy of Ms. Reyes' death certificate, which confirms her death on September 23, 2022, due to causes unrelated to vaccination. ECF Nos. 26, 27-1 (Exhibit 35). On January 31, 2025, petitioner's counsel moved to amend the caption and substitute Patricia Sornoso, personal representative of the estate of Ms. Reyes, as petitioner.[1] ECF No. 45. On March 5, 2025, petitioner's counsel filed letters of administration appointing Patricia Sornoso as the personal representative of the estate of Ms. Reyes. ECF No. 47-1 (Exhibit 38). On March 12, 2025, petitioner's counsel filed an amended

[1] All references to petitioner herein refer solely to Patricia Sornoso in her representative capacity as the personal representative of the estate of Ms. Reyes.

petition and the Court entered an order granting the motion to amend the case caption that day. ECF Nos. 49 and 50. On June 16, 2025, Secretary of Health and Human Services ("respondent") filed a Rule 4(c) Report indicating that this case is appropriate for compensation under the terms of the Act for a SIRVA Table injury. ECF No. 53. On June 17, 2025, the Chief Special Master issued a Ruling on Entitlement finding petitioner entitled to compensation. ECF No. 55.

I. Items of Compensation

Based upon the evidence of record, respondent proffers that petitioner should be awarded **$45,000.00** for pain and suffering. *See* 42 U.S.C. § 300aa-15(a)(4). This amount represents all elements of compensation to which petitioner is entitled under 42 U.S.C. § 300aa-15(a). Petitioner agrees.

II. Form of the Award

The parties recommend that the compensation provided to petitioner should be made through a lump sum payment as described below,[2] and request that the Chief Special Master's decision and the Court's judgment award the following:

> A lump sum payment of **$45,000.00**, to be paid through an ACH deposit to petitioner's counsel's IOLTA account for prompt disbursement to petitioner, Patricia Sornoso, as personal representative of the Estate of Marie Reyes.

Respectfully submitted,

BRETT A. SHUMATE
Assistant Attorney General

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

[2] If for some reason petitioner is not authorized by a court of competent jurisdiction to serve as the personal representative of Ms. Reyes' estate at the time a payment pursuant to this Proffer is to be made, then any such payment shall be paid to the party or parties appointed by a court of competent jurisdiction to serve as personal representative of Ms. Reyes' estate upon submission of written documentation of such appointment to the respondent.

HEATHER L. PEARLMAN
Deputy Director
Torts Branch, Civil Division

JULIA M. COLLISON
Assistant Director
Torts Branch, Civil Division

/s/ *Dorian Hurley*
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DATED: September 22, 2025