In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS
No. 21-680V
Filed: September 16, 2025

ISABEL DEL VECCHIO, Petitioner, v. SECRETARY OF HEALTH AND HUMAN SERVICES, Respondent.	Special Master Horner

Renee Ja Gentry, The Law Office of Renee J. Gentry, Washington, DC, for petitioner.
Mary Eileen Holmes, U.S. Department of Justice, Washington, DC, for respondent.

DECISION AWARDING DAMAGES[1]

On January 12, 2021, petitioner, Isabel Del Vecchio, 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") vaccination that she received on February 17, 2018. (ECF No. 1.)

On May 5, 2025, a ruling on entitlement was issued, finding petitioner entitled to compensation for her SIRVA. On September 16, 2025, respondent filed a proffer on award of compensation ("Proffer") indicating petitioner should be awarded $63,820.00, including $62,500.00 for pain and suffering and $1,320.00 in past unreimbursable expenses. (ECF No. 67.) 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.

[1] Because this document 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 document 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 "§" references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

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Pursuant to the terms stated in the attached Proffer, **I award petitioner a lump sum payment of $63,820.00, representing $62,500.00 in compensation for pain and suffering and $1,320.00 in compensation for past unreimbursable expenses, to be paid through an ACH deposit to petitioner's counsel's IOLTA account for prompt disbursement to petitioner.** This amount represents compensation for all damages that would be available under § 15(a).

The clerk of the court is directed to enter judgment in accordance with this decision.[3]

IT IS SO ORDERED.

s/Daniel T. Horner
Daniel T. Horner
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.

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ISABEL DEL VECCHIO, Petitioner, v. SECRETARY OF HEALTH AND HUMAN SERVICES, Respondent.	No. 21-680V Special Master Horner ECF

PROFFER ON AWARD OF COMPENSATION[1]

On January 12, 2021, Isabel Del Vecchio ("petitioner") 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"), as amended, alleging that her receipt of an influenza ("flu") vaccination on February 17, 2018, caused her to suffer a left shoulder injury related to vaccine administration ("SIRVA"). Petition at 1. On May 5, 2025, Special Master Horner issued a ruling on entitlement, finding petitioner entitled to compensation for a Table SIRVA injury. Entitlement Ruling, ECF No. 59.

I. Items of Compensation

Based upon the evidence of record, respondent proffers that petitioner should be awarded the following:

[1] This Proffer does not include attorneys' fees and costs, which the parties intend to address after the Damages Decision is issued.

A. Pain and Suffering

Respondent proffers that petitioner should be awarded **$62,500.00** in pain and suffering. 42 U.S.C. § 300aa-15(a)(4). Petitioner agrees.

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 **$1,320.00.** 42 U.S.C. § 300aa-15(a)(1)(B). Petitioner agrees.

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

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

> A lump sum payment of **$63,820.00** to be paid through an ACH deposit to petitioner's counsel's IOLTA account for prompt disbursement to petitioner, Isabel Del Vecchio.

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

Respectfully submitted,

BRETT A. SHUMATE
Assistant Attorney General

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

[2] Should petitioner die prior to entry of judgment, respondent would oppose any award for future medical expenses, future lost earnings, and future pain and suffering, and the parties reserve the right to move the Court for appropriate relief.

HEATHER L. PEARLMAN
Deputy Director
Torts Branch, Civil Division

VORIS E. JOHNSON
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/s/Mary E. Holmes
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