

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 21-0815V

FATIMA COLLINS,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: February 7, 2025

John Robert Howie, Howie Law, PC, Dallas, TX, for Petitioner.

Sara DeStefano, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION AWARDING DAMAGES¹

On January 28, 2021, Fatima Collins 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 defined in the Vaccine Injury Table, as the result of the tetanus, diphtheria, and acellular pertussis (“Tdap”) and Shingrix vaccinations received on December 2, 2020. Petition at 1. On October 19, 2023, Petitioner filed her first amended petition in which she alleged that she received a Prevnar-13 (pneumococcal conjugate) vaccination at the same time as the Tdap and Shingrix vaccinations on December 2, 2020. Second Amended Petition at 1.² Petitioner further alleges that she suffered the residual effects of her condition for more than six months. Second Amended Petition at 19. The case was assigned to the Special Processing Unit of the Office of Special Masters.

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 Petitioner filed a second amended petition on June 19, 2024, maintaining that she suffered a Table Injury of SIRVA following her Tdap and pneumococcal vaccines and expanding on the factual allegations in her first Amended Petition.

On January 3, 2025, a ruling on entitlement was issued, finding Petitioner entitled to compensation. On February 5, 2025, Respondent filed a proffer on award of compensation (“Proffer”) indicating Petitioner should be awarded a total of \$135,000.00, in pain and suffering. Proffer at 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 lump sum payment of \$135,000.00 (for pain and suffering), to be paid through an ACH deposit to Petitioner’s counsel’s IOLTA account for prompt disbursement to Petitioner.** 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**

FATIMA COLLINS,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

No. 21-815V

Chief Special Master Brian H. Corcoran
ECF

RESPONDENT’S PROFFER ON AWARD OF COMPENSATION

On January 28, 2021, Fatima Collins (“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”), alleging that she suffered a Shoulder Injury Related to Vaccine Administration (“SIRVA”), as defined in the Vaccine Injury Table, as the result of tetanus, diphtheria, and acellular pertussis (“Tdap”) and Shingrix vaccinations received on December 2, 2020.¹ Petition at 1, ECF No. 1. On October 19, 2023, petitioner filed her first amended petition in which she alleged that she received a Prevnar-13 (pneumococcal conjugate) vaccination at the same time as the Tdap and Shingrix vaccinations on December 2, 2020. First Amended Petition at 1, ECF No. 48.² On December 31, 2024, the Secretary of Health and Human Services (“respondent”) filed a Rule 4(c) Report indicating that this case is appropriate for compensation

¹ Shingrix, a vaccination for shingles, is not contained in the Vaccine Injury Table and cannot form the basis for a claim under the Act.

² Petitioner filed a second amended petition on June 19, 2024, maintaining that she suffered a Table Injury of SIRVA following her Tdap and pneumococcal vaccines and expanding on the factual allegations in her First Amended Petition. Second Amended Petition at 1, ECF No. 56.

under the terms of the Act for a SIRVA Table injury, and on January 3, 2025, the Chief Special Master issued a Ruling on Entitlement finding petitioner entitled to compensation. ECF No. 67.

I. Items of Compensation

A. Pain and Suffering

Respondent proffers that petitioner should be awarded \$135,000.00 in pain and suffering. *See* 42 U.S.C. § 300aa-15(a)(4). Petitioner agrees.

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

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 a lump sum payment as described below and requests that the Chief Special Master's decision and the Court's judgment award the following³: a lump sum payment of \$135,000.00 to be paid through an ACH deposit to petitioner's counsel's IOLTA account for prompt disbursement to petitioner.

III. Summary of Recommended Payments Following Judgment

Lump sum payable to petitioner, Fatima Collins: **\$135,000.00**

Respectfully submitted,

BRETT A. SHUMATE
Acting Assistant Attorney General

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

³ 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 lost earnings and future pain and suffering.

HEATHER L. PEARLMAN
Deputy Director
Torts Branch, Civil Division

JULIA COLLISON
Assistant Director
Torts Branch, Civil Division

/s/ Sara DeStefano
SARA DESTEFNO
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) 307-6545
E-mail: sara.destefano@usdoj.gov

DATED: February 5, 2025