

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 21-2014V

TERESA KNOWLES,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: March 22, 2024

Todd Rayan, Althausser Rayan Abbarno, LLP, Centralia, WA, for Petitioner.

Debra A. Filteau Begley, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION AWARDING DAMAGES¹

On October 13, 2021, Teresa Knowles 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 from Guillain-Barré syndrome after receiving an influenza vaccination on October 4, 2018. Petition at ¶¶ 2-5. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On May 31, 2023, a ruling on entitlement was issued, finding Petitioner entitled to compensation for her Guillain-Barré syndrome. On March 21, 2024, Respondent filed a proffer on award of compensation (“Proffer”) indicating Petitioner should be awarded \$217,326.00. 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.

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).

Pursuant to the terms stated in the attached Proffer, **I award Petitioner a lump sum payment of \$217,326.00 (comprised of \$180,000.00 in compensation for pain and suffering and \$37,326.00 in compensation for past out-of-pocket medical expenses) in the form of a check payable 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**

TERESA KNOWLES, *
 *
 *
 Petitioners, * **No. 21-2014V**
 * **Chief Special Master Corcoran**
 v. *
 *
SECRETARY OF HEALTH AND *
HUMAN SERVICES, *
 *
 Respondent. *

RESPONDENT’S PROFFER ON AWARD OF COMPENSATION

On October 12, 2021, Teresa Knowles (“petitioner”) filed a petition for compensation under the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. §§ 300aa-1 to -34, *as amended*. She alleges that, as a result of receiving the influenza vaccine on October 4, 2018, she suffered from Guillain-Barre Syndrome (GBS). *See* ECF No. 1 (Petition).¹ On May 18, 2023, respondent filed a Rule 4(c) Report, conceding that petitioner’s claim meets the Table criteria for Guillain-Barré Syndrome (“GBS”) injury. (ECF No. 26). On May 18, 2023, the Court issued a Ruling on Entitlement finding petitioner entitled to compensation under the Vaccine Act for a GBS Table injury. (ECF No. 27).

I. Items of Compensation

Based upon the evidence of record, respondent proffers that petitioner should be awarded the following, and requests that the Chief Special Master’s decision and the Court’s judgment award:

¹ Petitioner filed an Amended Petition on June 23, 2022, and while that pleading contains additional details about petitioner’s condition, the alleged injury remained based on a claim of GBS that developed following an influenza vaccine administered on October 4, 2018. *See* ECF No. 16 (Amended Petition for Vaccine Compensation).

1. A lump sum payment of **\$180,000.00**, which represents compensation for pain and suffering, *see* 42 U.S.C. § 300aa-15(a)(4); and
2. A payment of **\$37,326.00**, which represents compensation for past out-of-pocket medical expenses, *see* 42 U.S.C. § 300aa-15(a)(1).

These amounts represent all elements of compensation to which petitioner would be entitled under 42 U.S.C. § 300aa-15(a).² Petitioner agrees.

II. Form of the Award

Petitioner is a competent adult. Evidence of guardianship is not required in this case. Respondent recommends that petitioner be awarded a lump sum payment of **\$217,326.00**, in the form of a check payable to petitioner. Petitioner agrees.

Respectfully submitted,

BRIAN B. BOYNTON
Principal Deputy Assistant Attorney General

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

HEATHER L. PEARLMAN
Deputy Director
Torts Branch, Civil Division

ALEXIS B. BABCOCK
Assistant Director
Torts Branch, Civil Division

² Should petitioner die prior to the 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.

S/ DEBRA A. FILTEAU BEGLEY

Debra A. Filteau Begley

Senior 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) 616-4181

Debra.Begley@usdoj.gov

Dated: March 21, 2024