

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 22-195V

KARI LYNN FISHER,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: February 3, 2026

Jonathan Joseph Svitak, Shannon Law Group, P.C., Woodridge, IL, for Petitioner.

Sarah Black Rifkin, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION AWARDING DAMAGES¹

On February 22, 2022, Kari Lynn Fisher 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 alleged that she suffered a Table injury – shoulder injury related to vaccine administration (“SIRVA”) - as the result of an influenza (“flu”) vaccine received on December 23, 2020. Petition at 1, ¶¶ 3, 23.³ The case was assigned to the Special Processing Unit of the Office of Special Masters.

On November 18, 2025, a ruling on entitlement was issued, finding Petitioner entitled to compensation for SIRVA. On February 3, 2026, Respondent filed a proffer on award of compensation (“Proffer”) indicating Petitioner should be awarded \$20,000.00 for

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).

³ The Petition inadvertently states Petitioner's date of vaccination was October 13, 2020, however the record makes clear Petitioner received her flu vaccine at issue on December 23, 2020. Ex. 2 at 3; ECF No. 26 at 1-3.

pain and suffering and \$1,161.44 for past unreimbursable expenses. 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 \$21,161.44 (representing \$20,000.00 for pain and suffering and \$1,161.44 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 Section 15(a).

The Clerk of Court is directed to enter judgment in accordance with this decision.⁴

IT IS SO ORDERED.

s/Brian H. Corcoran

Brian H. Corcoran
Chief Special Master

⁴ 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**

KARI LYNN FISHER,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

No. 22-195V (ECF)
Chief Special Master Corcoran

RESPONDENT’S PROFFER ON AWARD OF COMPENSATION

On February 22, 2022, Kari Lynn Fisher (“petitioner”) filed a petition for compensation (“Petition”), under the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. §§ 300aa-1 to -34 (“Vaccine Act” or “Act”). She alleged that she suffered a “Table Injury of SIRVA, resulting from an influenza [‘flu’] vaccination she received on October 13, 2020 [sic].”¹ Petition at 1.

Petitioner filed a Motion for Ruling on the Record on January 31, 2024. ECF No. 26. Respondent filed his Response on February 27, 2024, recommending that entitlement to compensation be denied. ECF No. 27. *See also* Petitioner’s Reply, ECF No. 28. On November 17, 2025, the Court held an expedited entitlement hearing in this matter and, on November 18, 2025, issued a Ruling on Entitlement, finding petitioner entitled to compensation.² ECF No. 31.

¹ According to her vaccination record, petitioner received the flu vaccine at-issue on December 23, 2020—not October 13, 2020. Exhibit 2 at 3.

² Respondent has no objection to the amount of the proffered award of damages set forth herein. Assuming the Court issues a damages decision in conformity with this proffer, respondent waives his right to seek review of such damages decision. However, respondent reserves his right, pursuant to 42 U.S.C. § 300aa-12(e), to seek review of the November 18, 2025 entitlement decision.

PROFFER

I. Items of Compensation

A. Pain and Suffering

Respondent proffers that petitioner should be awarded \$20,000.00 in pain and suffering damages. *See* 42 U.S.C. § 300aa-15(a)(4). Petitioner agrees.

B. Past Unreimbursable Expenses

Respondent proffers that petitioner should be awarded past unreimbursable expenses in the amount of \$1,161.44. 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 of \$21,161.44, in the form of an ACH deposit to petitioner's counsel's IOLTA account for prompt disbursement to petitioner, Kari Lynn Fisher.

Respectfully submitted,

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s/Sarah B. Rifkin
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