

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 22-0645V

UNPUBLISHED

MICHELE HOLLAND,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: May 15, 2023

Special Processing Unit (SPU);
Damages Decision Based on Proffer;
Influenza (Flu) Vaccine; Guillain-
Barre Syndrome (GBS)

Rhonda Lorenz-Pignato, Shannon Law Group, PC, Woodridge, IL, for Petitioner.

Kimberly Shubert Davey, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION AWARDING DAMAGES¹

On June 13, 2022, Michele Holland 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 Barre Syndrome (“GBS”) as a result of an influenza vaccination she received on September 15, 2020. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On March 13, 2023, a ruling on entitlement was issued, finding Petitioner entitled to compensation for her GBS. On May 15, 2023, Respondent filed a proffer on award of compensation (“Proffer”) indicating Petitioner should be awarded \$102,500.00 in past pain and suffering and the sums of \$422.46 and \$46,716.61 to satisfy Medicaid liens. Proffer at 1-2. 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¹ Because this unpublished Decision contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (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 (2012).

Pursuant to the terms stated in the attached Proffer, I award the following:

1. **A lump sum payment of \$102,500.00 for past pain and suffering in the form of a check payable to Petitioner.**
2. **A lump sum payment of \$422.46, for satisfaction of a State of Massachusetts Medicaid lien, in the form of a check payable jointly to Petitioner and Commonwealth of MA-CRU, Casualty Recovery, P.O. Box 417811, Boston, MA 02241-7811.**
3. **A lump sum payment of \$46,716.61, for satisfaction of a State of Massachusetts Medicaid lien, in the form a check payable jointly to Petitioner and The Rawlings Company, ATTN: Hamza Tariq, Reference No.: 134665513, P.O. Box 2000, La Grange, KY 40031-2000.**

These amounts represent 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.

B. Medicaid Lien

Respondent proffers that petitioner should be awarded funds to satisfy the State of Massachusetts Medicaid Liens in the amounts of \$422.46 and \$46,716.61, which represent full satisfaction of any right of subrogation, assignment, claim, lien, or cause of action the State of Massachusetts may have against any individual as a result of any Medicaid payments the State of Massachusetts has made to or on behalf of petitioner from the date of her eligibility for benefits through the date of judgment in this case as a result of her alleged vaccine-related injury suffered on or about September 15, 2020, under Title XIX of the Social Security Act.

The above amounts represent all elements of compensation to which petitioner would be 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 three lump sum payments as described below and requests that the Chief Special Master's decision and the Court's judgment award the following¹:

- A. A lump sum payment of \$102,500.00, in the form of a check payable to petitioner;
- B. A lump sum payment of \$422.46, representing compensation for satisfaction of the State of Massachusetts Medicaid lien, in the form of a check payable jointly to petitioner and:

COMMONWEALTH OF MA-CRU
Casualty Recovery
P.O. Box 417811
Boston, MA 02241-7811

¹ 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.

Petitioner agrees to endorse the check to Commonwealth of Massachusetts- CRU for satisfaction of the Medicaid lien; and

- C. A lump sum payment of \$46,716.61, representing compensation for satisfaction of the State of Massachusetts Medicaid lien, in the form of a check payable jointly to petitioner and:

The Rawlings Company
ATTN: Hamza Tariq
Reference No.: 134665513
P.O. Box 2000
La Grange, KY 40031-2000

Petitioner agrees to endorse the check to The Rawlings Company for satisfaction of the Medicaid lien.

Respectfully submitted,

BRIAN M. 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

/s/ Kimberly S. Davey
KIMBERLY S. DAVEY
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) 307-1815
Kimberly.Davey@usdoj.gov

DATED: May 15, 2023