

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 23-0991V

ALFONZIO JACOBS, JR.,  
As the Administrator of the Estate of  
BRENDA COLES-JACOBS,  
Deceased,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: November 6, 2025

*David John Carney, Green & Schafle LLC, Philadelphia, PA, for Petitioner.*

*Emily Hanson, U.S. Department of Justice, Washington, DC, for Respondent.*

### **DECISION ON DAMAGES**<sup>1</sup>

On June 28, 2023, Brenda Coles-Jacobs filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*<sup>2</sup> (the “Vaccine Act”), alleging that she suffered Guillain-Barré syndrome (“GBS”) as defined in the Vaccine Injury Table, following administration of an influenza (“flu”) vaccine on August 30, 2020. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On July 24, 2024, a Ruling on Entitlement for a flu/GBS Table injury was issued. Ms. Coles-Jacobs passed away on September 17, 2024. Alfonzio Jacobs, Jr. as

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<sup>1</sup> 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.

<sup>2</sup> 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).

Administrator of Ms. Coles-Jacobs's estate was substituted as the Petitioner and the case caption was amended on March 18, 2025.

On November 5, 2025, Respondent filed a Proffer on award of compensation ("Proffer"). Respondent represented that Petitioner agrees with the proffered award. *Id.* at 2. 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, **Petitioner is awarded the following:**

- A. A lump sum of \$114,000.00 (for Ms. Coles-Jacobs's pain and suffering) to be paid through an ACH deposit to Petitioner's counsel's IOLTA account for prompt disbursement to Petitioner Alfonzio Jacobs, Jr., as Administrator of the Estate of Brenda Coles-Jacobs; and**
- B. A lump sum of \$1,623.98, representing compensation for satisfaction of the Commonwealth of Pennsylvania Medicaid lien, in the form of a check payable jointly to Petitioner and:**

**Department of Human Services  
Bureau of Program Integrity  
Division of Third Party Liability  
Recovery Section  
Attn: Marriam Wafa  
P.O. Box 8486  
Harrisburg, PA 17105-8486  
Ref.: Brenda Coles-Jacobs, CIS#620208534**

**Petitioner agrees to endorse the check to the Department of Human Services.**

These amounts represent compensation for all damages that would be available under Section 15(a). Proffer at 2. The Clerk of Court is directed to enter judgment in accordance with this decision.<sup>3</sup>

**IT IS SO ORDERED.**

**s/Brian H. Corcoran**  
Brian H. Corcoran  
Chief Special Master

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<sup>3</sup> 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.



**I. Items of Compensation**

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

A. Pain and Suffering

Respondent proffers that petitioner should be awarded **\$114,000.00** for Ms. Coles-Jacobs's pain and suffering. *See* 42 U.S.C. § 300aa-15(a)(4). Petitioner agrees.

B. Medicaid Lien

Respondent proffers that petitioner should be awarded funds to satisfy the Commonwealth of Pennsylvania Medicaid lien in the amount of **\$1,623.98**, which represents full satisfaction of any right of subrogation, assignment, claim, lien, or cause of action the Commonwealth of Pennsylvania may have against any individual as a result of any Medicaid payments the Commonwealth of Pennsylvania has made to or on behalf of Ms. Coles-Jacobs from the date of her eligibility for benefits through the date of judgment in this case as a result of her vaccine-related injury suffered on or about August 30, 2020.

The above 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/Recommended Payments**

The parties recommend that compensation provided to petitioner should be made through two lump sum payments described below, and request that the Chief Special Master's decision and the Court's judgment award the following:<sup>2</sup>

- A. A lump sum payment of **\$114,000.00** to be paid through an ACH deposit to petitioner's counsel's IOLTA account for prompt disbursement to petitioner, Alfonzio Jacobs, Jr., as Administrator of the Estate of Brenda Coles-Jacobs; and

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<sup>2</sup> 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 medical expenses, future pain and suffering, and future lost wages.

B. A lump sum payment of **\$1,623.98**, representing compensation for satisfaction of the Commonwealth of Pennsylvania Medicaid lien, in the form of a check payable jointly to petitioner and:

Department of Human Services  
Bureau of Program Integrity  
Division of Third Party Liability  
Recovery Section  
Attn.: Marriam Wafa  
P.O. Box 8486  
Harrisburg, PA 17105-8486  
Ref.: Brenda Coles-Jacobs, CIS# 720208534

Petitioner agrees to endorse this check to the Department of Human Services.

Respectfully submitted,

BRETT A. SHUMATE  
Assistant Attorney General

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

HEATHER L. PEARLMAN  
Deputy Director  
Torts Branch, Civil Division

VORIS E. JOHNSON, JR.  
Assistant Director  
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s/ EMILY M. HANSON  
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DATED: November 5, 2025