

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 24-0416V

JAMES SOCHA,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: June 30, 2025

Scott B. Taylor, Urban & Taylor, S.C., Milwaukee, WI, for Petitioner.

Austin Joel Egan, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION ON DAMAGES¹

On March 18, 2024, James Socha 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 he suffered a shoulder injury related to vaccine administration (“SIRVA”), a defined Table injury, after receiving an influenza (“flu”) vaccine on November 16, 2022. Petition at 1, ¶¶ 2, 30-31. 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, 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).

On January 3, 2025, a Ruling on Entitlement was issued, finding Petitioner entitled to compensation for a SIRVA. On June 30, 2025, Respondent filed a Proffer on award of compensation ("Proffer"). Respondent represented that Petitioner agrees with the proffered award. *Id.* at 1 – 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, I award the following:

- A. A lump sum payment of \$105,000.00 for pain and suffering, to be paid through an ACH deposit to Petitioner's counsel's IOLTA account for prompt disbursement to Petitioner.**
- B. A lump sum payment of \$9,381.77 representing compensation for satisfaction of the State of Wisconsin Medicaid lien, payable jointly to Petitioner and to Optum;**

Petitioner agrees to endorse this payment and mail it to:

**Optum
PO Box 182643
Columbus, OH 43218
Re: James Socha – Event ID 211561942
Attention: Mike Higgason, Recovery Specialist**

Proffer at 1 – 3. These amounts represent compensation for all damages that would be available under Section 15(a). *Id.* 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 further proffers that petitioner should be awarded funds to satisfy, in full, the State of Wisconsin Medicaid lien in the amount of **\$9,381.77**, which represents satisfaction of any right of subrogation, assignment, claim, lien, or cause of action the State of Wisconsin may have against any individual as a result of any Medicaid payments the State of Wisconsin has made to or on behalf of petitioner from the date of petitioner's eligibility for benefits through the date of judgment in this case as a result of petitioner's vaccine-related injury, under Title XIX of the Social Security Act.

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 two lump sum payments as described below and requests that the Chief Special Master's decision and the Court's judgment award the following¹

A. Pain and Suffering Damages

A lump sum payment of **\$105,000.00** for pain and suffering to be paid through an ACH deposit to petitioner's counsel's IOLTA account for prompt disbursement to petitioner;

B. Medicaid Lien

A lump sum payment of **\$9,381.77**, representing compensation for satisfaction of the State of Wisconsin Medicaid lien, payable jointly to petitioner and to Optum;

Petitioner agrees to endorse this payment to Optum and mail it to:

¹ Should petitioner die prior to the entry of judgment, respondent reserves 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.

Optum
PO Box 182643
Columbus, OH 43218
Re: James Socha – Event ID: 211561942
Attention: Mike Higgason, Recovery Specialist

III. Summary of Recommended Payments

- | | |
|--|---------------------|
| A. Lump sum payment to petitioner, James Socha | \$105,000.00 |
| B. Lump sum payment payable jointly to petitioner and Optum in satisfaction of the State of Wisconsin Medicaid Lien. Petitioner agrees to endorse this payment to Optum. | \$9,381.77 |

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

TRACI R. PATTON
Assistant Director
Torts Branch, Civil Division

/s/ AUSTIN J. EGAN
Austin J. Egan
Trial Attorney
Torts Branch, Civil Division
U.S. Department of Justice
P.O. Box 146, Ben Franklin Station
Washington, DC 20044-0146
Tel: (202) 451-7479
Austin.J.Egan@usdoj.gov

Date: June 30, 2025