In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 24-0977V

JEFFREY CLEMENTS,

Petitioner,

v.

SECRETARY OF HEALTH AND HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: November 14, 2025

Paul R. Brazil, Muller Brazil, LLP, Dresher, PA, for Petitioner.

Katherine Carr Esposito, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION AWARDING DAMAGES[1]

On June 26, 2024, Jeffrey Clements 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 he received a right arm influenza ("flu") vaccination and a left arm hepatitis B ("Hep B") vaccination, both on October 14, 2022, and thereafter suffered bilateral shoulder pain, resulting in a Table shoulder injury related to vaccine administration ("SIRVA"). Petition at 1-2. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On May 19, 2025, a ruling on entitlement was issued, finding Petitioner entitled to compensation. On November 13, 2025, Respondent filed a proffer on award of compensation ("Proffer") indicating Petitioner should be awarded a total of $118,412.13, consisting of $115,000.00 in pain and suffering and $3,412.13. Proffer at 1-2. In the Proffer, Respondent represented that Petitioner agrees with the proffered award. *Id.*

[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).

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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 $118,412.13 (consisting of $115,000.00 in pain and suffering and $3,412.13), 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.[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

JEFFREY CLEMENTS, Petitioner, v. SECRETARY OF HEALTH AND HUMAN SERVICES, Respondent.	No. 24-977V Chief Special Master Corcoran

PROFFER ON AWARD OF COMPENSATION

On June 26, 2024, Jeffrey Clements ("petitioner") filed a petition for compensation ("petition") under the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. §§ 300aa-1 to -34, *as amended* ("Act"). He alleges that he sustained bilateral Shoulder Injuries Related to Vaccine Administration ("SIRVAs"), as defined in the Vaccine Injury Table, following receipt of influenza and hepatitis B vaccines administered on October 14, 2022. *See* Petition. On May 16, 2025, the Secretary of Health and Human Services ("respondent") filed a Vaccine Rule 4(c) Report, concluding that this case is appropriate for compensation under the terms of the Act for bilateral SIRVA Table injuries. *See* ECF No. 18. On May 19, 2025, Chief Special Master Corcoran issued a ruling on entitlement, finding petitioner entitled to compensation for "bilateral shoulder pain, resulting in a Table [SIRVA]." *See* ECF No. 19.

I. Items of Compensation

A. Pain and suffering

Respondent proffers that petitioner should be awarded $115,000.00 in pain and suffering. *See* 42 U.S.C. § 300aa-15(a)(4). Petitioner agrees.

B. Past unreimburseable expenses

Evidence supplied by petitioner documents that he incurred past unreimbursable expenses related to his vaccine-related injury. Respondent proffers that petitioner should be awarded past unreimbursable expenses in the amount of $3,412.13. *See* 42 U.S.C. § 300aa-15(a)(1)(B). Petitioner agrees.

These amounts represent all elements of compensation to which petitioner is entitled under 42 U.S.C. § 300aa-15(a).[1] 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 as described below and requests that the Special Master's decision and the Court's judgment award the following: a lump sum payment of **$118,412.13**, to be paid through an ACH deposit to petitioner's counsel's IOLTA account for prompt disbursement to petitioner.

Respectfully submitted,

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[1] 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 medical expenses, future lost earnings, and future pain and suffering.

s/Katherine C. Esposito
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DATED: November 13, 2025