

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 24-1026V

TED POULOS,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: April 10, 2026

Ramon Rodriguez, III, Siri & Glimstad, LLP, Richmond, VA, for Petitioner.

Joseph Douglas Leavitt, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION AWARDING DAMAGES¹

On July 8, 2024, Ted Poulos 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 suffered a shoulder injury related to vaccine administration (“SIRVA”) as the result of an influenza (“flu”) vaccination received on September 8, 2021. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On January 24, 2025, a ruling on entitlement was issued, finding Petitioner entitled to compensation for SIRVA. On April 9, 2026, Respondent filed a proffer on award of compensation (“Proffer”) indicating that Petitioner should be awarded \$68,856.13 (consisting of \$68,500.00 for pain and suffering and \$356.13 for past unreimbursable expenses) and \$2,418.50 to satisfy the State of New Jersey Medicaid lien. Proffer at 1-2. In the Proffer, Respondent represented that Petitioner agrees with the proffered award.

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).

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, **I award the following compensation:**

- a. A lump sum payment of \$68,856.13, 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 \$2,418.50, representing compensation for satisfaction of the State of New Jersey Medicaid lien, to be paid through an ACH deposit to Petitioner's counsel's IOLTA account for prompt disbursement to:**

**Treasurer, State of New Jersey
Health Management Systems, Inc.
P.O. Box 416522
Boston, MA 02241-6522**

The State of New Jersey has requested that payment reference Petitioner's Medicaid ID Number (237112700301) and Health Management Systems Case Number (261950).

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**

TED POULOS,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

No. 24-1026V (ECF)
Chief Special Master Corcoran

PROFFER ON AWARD OF COMPENSATION¹

On July 8, 2024, Ted Poulos (“petitioner”) filed a petition for compensation under the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. §§ 300aa-1 to -34 (“Vaccine Act” or “Act”), as amended, alleging that he sustained a Shoulder Injury Related to Vaccine Administration (“SIRVA”) following receipt of an influenza (“flu”) vaccination administered on September 8, 2021. Petition at 1 (ECF No. 1). On January 6, 2025, the Secretary of Health and Human Services (“respondent”) filed his Rule 4(c) Report conceding entitlement to compensation. ECF No. 18. On January 24, 2025, the Chief Special Master issued a Ruling on Entitlement, finding that petitioner is entitled to vaccine compensation for a Table SIRVA following the flu vaccine he received on September 8, 2021. ECF No. 20.

¹ This Proffer does not include attorneys’ fees and costs, which the parties intend to address after the Damages Decision is issued.

I. Items of Compensation

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

A. Pain and Suffering

Respondent proffers that petitioner should be awarded **\$68,500.00** in pain and suffering. *See* 42 U.S.C. § 300aa-15(a)(4).

B. Past Unreimbursable Expenses

Respondent proffers that petitioner should be awarded **\$356.13** in past unreimbursable expenses. *See* 42 U.S.C. § 300aa-15(a)(1).

C. Medicaid Lien

Respondent proffers that petitioner should be awarded funds to satisfy the State of New Jersey Medicaid lien in the amount of **\$2,418.50**, which represents full satisfaction of any right of subrogation, assignment, claim, lien, or cause of action the State of New Jersey may have against any individual as a result of any Medicaid payments the State of New Jersey has made to or on behalf of petitioner from the date of his eligibility for benefits through the date of judgment in this case as a result of his vaccine injury suffered on or about September 8, 2021 under Title XIX of the Social Security Act.

These 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 Payment

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

- a. A lump sum payment of **\$68,856.13** to be paid through an ACH deposit to petitioner's counsel's IOLTA account for prompt disbursement to petitioner, Ted Poulos; and
- b. A lump sum payment of **\$2,418.50**, representing compensation for the satisfaction of the State of New Jersey Medicaid lien, to be paid through an ACH deposit to petitioner's counsel's IOLTA account for prompt disbursement to:

Treasurer, State of New Jersey
Health Management Systems, Inc.
P.O. Box 416522
Boston, MA 02241-6522

The State of New Jersey has requested that payment reference petitioner's Medicaid ID Number (237112700301) and Health Management Systems Case Number (261950).

Respectfully submitted,

BRETT A. SHUMATE
Assistant Attorney General

JONATHAN D. GUYNN
Acting Director
Torts Branch, Civil Division

HEATHER L. PEARLMAN
Deputy Director
Torts Branch, Civil Division

JULIA M. COLLISON
Assistant Director
Torts Branch, Civil Division

² 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 lost earnings, and future pain and suffering.

s/ Joseph D. Leavitt

JOSEPH D. LEAVITT

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Dated: April 7, 2026

CERTIFICATE OF SERVICE

I certify that today, April 9, 2026, I sent a copy of the foregoing pleading via electronic mail to petitioner's counsel, Ramon Rodriguez III, at rrodriguez@sirillp.com.

s/ Joseph D. Leavitt

JOSEPH D. LEAVITT