

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 24-1374V

MARIA REYNOSO,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: March 31, 2025

Jeffrey S. Pop, Jeffrey S. Pop & Associates, Beverly Hills, CA, for Petitioner.

Sarah Christina Duncan, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION AWARDING DAMAGES¹

On September 4, 2024, Maria Reynoso 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 a shoulder injury related to vaccination administration (“SIRVA”) resulting from influenza and hepatitis B vaccinations received on November 8, 2022. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On March 12, 2025, a ruling on entitlement was issued, finding Petitioner entitled to compensation for SIRVA. On March 31, 2025, Respondent filed a proffer on award of compensation (“Proffer”) indicating Petitioner should be awarded \$70,000.00, plus reimbursement of a Medicaid lien. Proffer at 2-3. 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 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).

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

- A. A lump sum payment of \$70,000.00, representing compensation for pain and suffering, to be paid through an ACH deposit to Petitioner's counsel's IOLTA account for prompt disbursement to Petitioner; and
- B. A lump sum payment of \$160.36 representing reimbursement of a lien for services rendered on behalf of Petitioner by the State of California, in the form of a check made payable to Petitioner and Department of Health Care Services:

Department of Health Care Services
Personal Injury Program, MS 4720
P.O. Box 997421
Sacramento, CA 95899-7421
DHCS Account No.: C96457116A-001T

Petitioner agrees to endorse and mail this payment to the Department of Health Care Services. 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.

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS**

MARIA REYNOSO,

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SECRETARY OF HEALTH AND
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No. 24-1374V

Chief Special Master Corcoran
ECF

RESPONDENT’S PROFFER ON AWARD OF COMPENSATION

On September 4, 2024, Maria Reynoso (“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”), alleging that she suffered a shoulder injury related to vaccine administration (“SIRVA”), as defined in the Vaccine Injury Table (“Table”), 42 C.F.R. § 100.3, as the result of influenza (“flu”) and hepatitis B vaccinations she received on November 8, 2022.¹ Petition at 1. On March 7, 2025, the Secretary of Health and Human Services (“respondent”) filed a Rule 4(c) Report recommending that compensation be awarded for a SIRVA,² and the Chief Special Master issued a Ruling on Entitlement finding petitioner entitled to compensation on March 12, 2025. ECF No. 13; ECF No. 15.

¹ Petitioner received the flu and hepatitis B vaccines in her left shoulder. Exhibit 2 at 7-8. Petitioner also received a Zoster (shingles) vaccine in her left shoulder and a COVID-19 vaccine in her right arm on the same day. *Id.* at 5, 6. Zoster and COVID-19 vaccines are not covered vaccines listed in the Table. *See* 42 C.F.R. § 100.3.

² As respondent noted in the Rule 4(c) Report, the Zoster vaccine is not a covered vaccine listed in the Table and is not included in this concession, and petitioner received the COVID-19 vaccine, which also is not a covered vaccine, in the opposite arm. ECF No. 13 at 2.

I. Items of Compensation

A. Pain and Suffering

Respondent proffers that petitioner should be awarded \$70,000.00 in actual pain and suffering. Petitioner agrees.

B. Medicaid Lien

Respondent proffers that petitioner should be awarded funds to satisfy a California Medi-Cal lien in the amount of \$160.36, through:

Department of Health Care Services
Personal Injury Program, MS 4720
P.O. Box 997421
Sacramento, CA 95899-7421
DHCS Account No.: C96457116A-001T

This sum represents full satisfaction of any right of subrogation, assignment, claim, lien, or cause of action the California Department of Health Care Services (“DHCS”) may have against any individual as a result of any Medicaid payments the DHCS has made to or on behalf of Maria Reynoso from the date of her eligibility for benefits through the date of November 8, 2022, 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

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 Chief Special Master's decision and the Court's judgment award the following³:

A. A lump sum payment of \$70,000.00, representing compensation for pain and suffering, to be paid through an ACH deposit to petitioner's counsel's IOLTA account for prompt disbursement to petitioner; and

B. A lump sum payment of \$160.36, representing reimbursement of a lien for services rendered on behalf of petitioner by the State of California, in the form of a check payable jointly to petitioner and Department of Health Care Services.

Petitioner agrees to endorse and mail this payment to the Department of Health Care Services.

III. Summary of Recommended Payments Following Judgment

A.	Lump sum payable to petitioner, Maria Reynoso:	\$70,000.00
B.	Medicaid lien payable jointly to petitioner and Department of Health Care Services:	\$160.36

Respectfully submitted,

YAAKOV M. ROTH
Acting Assistant Attorney General

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

HEATHER L. PEARLMAN
Deputy Director
Torts Branch, Civil Division

³ 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.

ALEXIS B. BABCOCK
Assistant Director
Torts Branch, Civil Division

s/ Sarah C. Duncan
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DATED: March 31, 2025