

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 24-1742V

EDWARD CUMMINGS,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: April 1, 2026

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

Jennifer Leigh Reynaud, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION AWARDING DAMAGES¹

On October 24, 2024, Edward Cummings 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 Table injury - shoulder injury related to vaccine administration (“SIRVA”) as a result of the administration of his October 27, 2021 influenza vaccine Petition at 1; Amended Petition, filed May 20, 2025, at 1, ¶ 21. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On November 10, 2025, a ruling on entitlement was issued, finding Petitioner entitled to compensation for SIRVA. On April 1, 2026, Respondent filed a proffer on award of compensation (“Proffer”) indicating Petitioner should be awarded \$40,000.00 for pain and suffering, and \$249.48 to satisfy the Commonwealth of Pennsylvania Medicaid lien. Proffer at 2. In the Proffer, Respondent represented that Petitioner agrees with the

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).

proffered award. *Id.* 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:**

- 1. A lump sum payment of \$40,000.00, to be paid through an ACH deposit to Petitioner's counsel's IOLTA account for prompt disbursement to Petitioner; and**
- 2. A lump sum payment of \$249.48, representing compensation for satisfaction of the Commonwealth of Pennsylvania Medicaid lien, to be paid through an ACH deposit to Petitioner's counsel's IOLTA account for prompt disbursement to:**

**Department of Human Services
Attn. Cheyenne Lopez Rosario
P.O. Box 8486
Harrisburg, PA 17105-8486**

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**

EDWARD CUMMINGS,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

No. 24-1742V
Chief Special Master Corcoran
ECF

PROFFER ON AWARD OF COMPENSATION¹

On October 24, 2024, Edward Cummings (“petitioner”) filed a petition for compensation under the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. §§ 300aa-1 to -34, *as amended* (“Act”). He alleged that he sustained a left Shoulder Injury Related to Vaccine Administration (“SIRVA”) following an influenza vaccine he received on October 27, 2021. *See* Petition at 1; Amended Petition (ECF No. 10) at 1. On November 6, 2025, the Secretary of Health and Human Services (“respondent”) filed his Rule 4(c) Report indicating that this case is appropriate for compensation under the terms of the Act for a SIRVA Table injury. ECF No. 20. On November 10, 2025, the Chief Special Master issued a Ruling on Entitlement finding that petitioner is entitled to compensation. ECF No. 21.

I. Items of Compensation

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

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

A. Pain and Suffering

Respondent proffers that petitioner should be awarded **\$40,000.00** in 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 **\$249.48**, 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 petitioner from the date of his eligibility for benefits through the date of judgment in this case as a result of his vaccine-related injury suffered on or about October 27, 2021, under Title XIX of the Social Security Act.

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 Payment

The parties recommend that the compensation provided to petitioner 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 **\$40,000.00** to be paid through an ACH deposit to petitioner's counsel's IOLTA account for prompt disbursement to petitioner, Edward Cummings; and
- B. A lump sum payment of **\$249.48**, representing compensation for satisfaction of the Commonwealth of Pennsylvania Medicaid lien, to be paid through an ACH deposit to petitioner's counsel's IOLTA account for prompt disbursement to:

² Should petitioner die prior to entry of judgment, respondent would oppose any award for future medical expenses, future lost earnings, and future pain and suffering, and the parties reserve the right to move the Court for appropriate relief.

Department of Human Services
Attn. Cheyenne Lopez Rosario
P.O. Box 8486
Harrisburg, PA 17105-8486

Petitioner is a competent adult. Proof of guardianship is not required in this case.

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

TRACI R. PATTON
Assistant Director
Torts Branch, Civil Division

s/ Jennifer L. Reynaud
JENNIFER L. REYNAUD
Assistant Director
Torts Branch, Civil Division
U.S. Department of Justice
P.O. Box 146
Benjamin Franklin Station
Washington, D.C. 20044-0146
Tel: (202) 305-1586
jennifer.l.reynaud@usdoj.gov

Dated: April 1, 2026

CERTIFICATE OF SERVICE

I certify that today, April 1, 2026, a copy of the foregoing pleading will be served by electronic mail to David Carney at dcarney@greenlegalteam.com.

s/ Jennifer L. Reynaud