

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 24-1889V

BROOKE GORZELANCZYK,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: September 11, 2025

Jonathan J. Svitak, Shannon Law Group, P.C., Woodridge, IL, for Petitioner.

Ryan D. Pyles, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION AWARDING DAMAGES¹

On November 15, 2024, Brooke Gorzelanczyk 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 syncopal episode resulting in injuries and permanent disfigurement to her face, nose, and teeth as a result of receiving meningococcal and/or human papillomavirus vaccines on August 8, 2023. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On September 11, 2025, a ruling on entitlement was issued, finding Petitioner entitled to compensation for her injuries. On September 11, 2025, Respondent filed a proffer on award of compensation (“Proffer”) indicating Petitioner should be awarded \$130,000.00. Proffer at 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 a lump sum payment of \$130,000.00, 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**

BROOKE GORZELANCZYK,

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v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

No. 24-1889V

Chief Special Master Brian H. Corcoran
ECF

RESPONDENT’S RULE 4(c) REPORT RECOMMENDING COMPENSATION
and
PROFFER ON AWARD OF COMPENSATION

On November 15, 2024, Brooke Gorzelanczyk filed a petition for compensation under the National Childhood Vaccine Injury Act of 1986, as amended, 42 U.S.C. §§ 300aa-1 to -34 (Vaccine Act), alleging that she suffered a syncopal episode “resulting in injuries and permanent disfigurement to her face, nose and teeth,” as a result of receiving meningococcal and/or human papillomavirus (HPV) vaccines on August 8, 2023. Petition at 1. In accordance with the Rules of the United States Court of Federal Claims, Appendix B, Vaccine Rule 4(c), the Secretary of Health and Human Services (respondent) submits the following report in response to the petition, recommending that compensation be awarded.

FACTS

Petitioner’s medical history appears noncontributory to her current claim. On August 8, 2023, petitioner, at seventeen years of age, received meningococcal and HPV vaccinations with the following history upon receipt: “Patient received first [meningococcal] immunization [] on left arm and [HPV] on right arm. [A]fter immunization[s] were given patient proceeded to fall

forward and hit her face. [P]atient[’s] nose was bleeding and [she] chipped [two] front [teeth].” Exhibit (Ex.) 3 at 13; *see also* Ex. 4 at 148 (emergency department history); Ex. 6 at 3 (dental records noting that on Aug. 9, 2023, teeth at positions 8 and 24 were repaired with the dental composite, Filtek). A CT scan at the hospital showed “[a]cute comminuted fractures of the nasal bones.” Ex. 4 at 150. On August 17, 2023, petitioner had a “[c]losed reduction of nasal fracture” under general anesthesia for findings of “[c]omminuted mobile nasal bones with healing laceration over nasal dorsum” with “[b]ones deviated both left and right.” Ex. 5 at 29.

On May 13, 2024, petitioner saw otolaryngologist Jason Cundiff, M.D., for nasal trauma with the following history: “[Petitioner] reports that she had a nasal trauma approximately 6 months ago. She complains of trouble breathing through her nose She has had no improvement with nasal steroids, antihistamines, and decongestants. She is concerned about the appearance of her nose and deviated septum.” Ex. 7 at 3. The assessment was “[c]hronic nasal obstruction secondary to profound septal deviation and turbinate hypertrophy.” *Id.* at 4. As treatment, on June 20, 2024 (ten and half months after vaccination), petitioner underwent surgery, specifically a “[s]eptoplasty and bilateral submucosal resection of inferior turbinates.” *Id.* at 10. On July 16, 2024, petitioner reported to Dr. Cundiff “improvement in nasal congestion, but ... mild congestion involving the right nostril.” *Id.* at 8. However, petitioner noted that she “may have seasonal allergies.” *Id.* Petitioner alleges by affidavit dated January 15, 2025, that she continues to have a “bump on [her] nose” that would require rhinoplasty in the future to correct. Ex. 1 at 3-4.

ANALYSIS

The facts and allegations of this case, as reflected in the petition and accompanying medical records, have been evaluated by medical personnel at the Department of Health and

Human Services, Division of Injury Compensation Programs (DICP). Based on that review, DICP has concluded that petitioner suffered a syncopal episode as set forth in the Vaccine Injury Table and the Qualifications and Aids to Interpretation. The evidence shows that petitioner suffered a syncopal episode following the administration of meningococcal and HPV vaccines, and that the event occurred within the time period (within one hour) specified in the Table. 42 C.F.R. §§ 100.3(a), (c)(13). In addition, sequelae of petitioner's injury persisted for at least six months. 42 U.S.C. § 300aa-11(c)(1)(D)(i). Therefore, petitioner has satisfied all legal prerequisites for compensation under the Vaccine Act. 42 U.S.C. § 300aa-13.

PROFFER

I. Items of Compensation

Based on the evidence of record, respondent proffers that petitioner should be awarded \$130,000.00 in pain and suffering. *See* 42 U.S.C. § 300aa-15(a)(4). Petitioner agrees.

This amount represents 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 should be made through one lump sum payment as described below and request that the Chief Special Master's decision and the Court's judgment award the following:¹

A lump sum payment of **\$130,000.00** to be paid through an ACH deposit to petitioner's counsel's IOLTA account for prompt disbursement to petitioner, Brooke Gorzelanczyk.

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

¹ 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.

CONCLUSION

Respondent recommends that the Court enter a decision finding petitioner entitled to compensation for syncope and resulting injury, presumptively sustained by operation of the Vaccine Injury Table as a result of petitioner's August 8, 2023 meningococcal and/or HPV vaccinations, and that the Court award **\$130,000.00** in the manner stated above for all damages available under Section 15(a) of the Vaccine Act, which does not include reasonable attorneys' fees and litigation costs to be determined at a later date.

Respectfully submitted,

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