In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS
No. 25-151V

BRITTANY SHUMPERT,

Petitioner,

v.

SECRETARY OF HEALTH AND HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: December 11, 2025

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

Mitchell Jones, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION AWARDING DAMAGES[1]

On January 28, 2025, Brittany Shumpert 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 vaccine administration ("SIRVA") after receiving an influenza ("flu") vaccination on October 21, 2023. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On August 13, 2025, a ruling on entitlement was issued, finding Petitioner entitled to compensation for her SIRVA. On December 10, 2025, Respondent filed a proffer on award of compensation ("Proffer") indicating Petitioner should be awarded $50,500.00 for her pain and suffering, and $1,674.10 for full satisfaction of two State of Wisconsin Medicaid liens, in the amounts of $113.51 and $1,560.59. Proffer at 2-3. 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).

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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.

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

1) **a lump sum payment of $50,500.00, to be paid through an ACH deposit to Petitioner's counsel's IOLTA account for prompt disbursement to Petitioner;**

2) **a lump sum payment of $113.51, representing compensation for satisfaction for a portion of the State of Wisconsin Medicaid lien, to be paid through an ACH deposit to Petitioner's counsel's IOLTA account for prompt disbursement to:**

WISCONSIN CASUALTY RECOVERY
22 East John Carpenter Freeway, Suite 500
Irving, TX 75062
ATTN: Arnoldo Martinez
Re; Brittany Shumpert
Medicaid ID No. 7413314771

3) **a lump sum payment of $1,560.59, representing compensation for satisfaction of the remainder of the State of Wisconsin Medicaid lien, to be paid through an ACH deposit to Petitioner's counsel's IOLTA account for prompt disbursement to:**

Dean Health Plan
P.O. Box. 56099
Madison, WI 53705-9399
ATTN: Amber Lucey
Re: Brittany Shumpert
Medicaid ID No. 7413314771

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

BRITTANY SHUMPERT,	)	
Petitioner,	)	No. 25-0151V
	)	Chief Special Master Corcoran
v.	)	ECF
SECRETARY OF HEALTH AND HUMAN SERVICES,	)	
Respondent.	)	

RESPONDENT'S PROFFER ON AWARD OF COMPENSATION

On January 28, 2025, Brittany Shumpert ("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, following administration of an influenza vaccine she received on October 21, 2023. Petition at 1. On August 12, 2025, the Secretary of Health and Human Services ("respondent") filed a Rule 4(c) Report indicating that this case is appropriate for compensation under the terms of the Act for a Table injury of SIRVA after a flu vaccination, and on August 13, 2025, the Chief Special Master issued a Ruling on Entitlement finding petitioner entitled to compensation. ECF Nos. 14, 15.

I. Items of Compensation

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

A. Pain and Suffering

Respondent proffers that petitioner should be awarded **$50,500.00** 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 State of Wisconsin's Medicaid lien in the amount of **$1,674.10**, which represents full satisfaction of any right of subrogation, assignment, claim, lien, or cause of action the State of Wisconsin may have against any individual as a result of any Medicaid payments the State of Wisconsin has made to or on behalf of petitioner from the date of her eligibility for benefits through the date of judgment in this case as a result of her alleged vaccine-related injury suffered on or about October 21, 2023.

The above amounts represent all elements of compensation to which petitioner would be entitled under 42 U.S.C. § 300aa-15(a). Petitioner agrees

II. Form of the Award

The parties recommend that compensation provided to petitioner should be made through three lump sum payments described below, and request that the Chief Special Master's decision and the Court's judgment award the following: [1]

A. A lump sum payment of **$50,500.00,** 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 **$113.51**, representing compensation for satisfaction of a portion of the State of Wisconsin Medicaid lien, to be paid through an ACH deposit to petitioner's counsel's IOLTA account for prompt disbursement to:

[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 pain and suffering, and future lost wages.

WISCONSIN CASUALTY RECOVERY
22 East John Carpenter Freeway. Suite 500
Irving, TX 75062
ATTN: Arnoldo Martinez
Re: Brittany Shumpert
Medicaid ID No. 7413314771

C. A lump sum payment of **$1,560.59**, representing compensation for satisfaction of the remainder of the State of Wisconsin Medicaid lien, to be paid through an ACH deposit to petitioner's counsel's IOLTA account for prompt disbursement to:

Dean Health Plan
P.O. Box 56099
Madison, WI 53705-9399
ATTN: Amber Lucey
Re: Brittany Shumpert
Medicaid ID No. 7413314771

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

Respectfully submitted,

BRETT A. SHUMATE
Assistant Attorney General

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

HEATHER L. PEARLMAN
Deputy Director
Torts Branch, Civil Division

VORIS E. JOHNSON
Assistant Director
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/s/ Mitchell H. Jones
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DATED: December 10, 2025