In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 25-1745V

JAMES LAMBERTSON,

Petitioner,

v.

SECRETARY OF HEALTH AND HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: July 14, 2026

Laura Levenberg, Muller Brazil, LLP, Dresher, PA, for Petitioner.

Camille Jordan Webster, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION AWARDING DAMAGES[1]

On October 16, 2025, James Lambertson 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 from a shoulder injury related to vaccine administration ("SIRVA") as a result of an influenza ("flu") vaccination administered to him on September 30, 2024. Pet., ECF No. 1. Petitioner further alleges that the vaccine was received in the United States, he suffered sequela of his injury for more than six months, and neither Petitioner nor any other party has ever received compensation in the form of an award or settlement for his vaccine-related injury. *Id.* The case was assigned to the Special Processing Unit of the Office of Special Masters.

On June 29, 2026, a Ruling on Entitlement was issued, finding Petitioner entitled to compensation for his SIRVA. ECF No. 17. On July 13, 2026, Respondent filed a Proffer on award of compensation ("Proffer") indicating Petitioner should be awarded $60,000.00 in pain and suffering and $457.44 for satisfaction of the Medicaid lien in this case. 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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at 2, ECF No. 19. In the Proffer, Respondent represented that Petitioner agrees with the proffered award. *See 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 payment as follows:**

A. A lump sum payment of $60,000.00 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 $457.44, representing compensation for satisfaction of the Medi-Cal Program Medicaid lien, to be paid through an ACH deposit to Petitioner's counsel's IOLTA account for prompt disbursement to:

Department of Health Care Services Personal Injury Program, MS 4720
DHCS Account Number: C96500290G-001T
P.O. Box 997421
Sacramento, CA 95899-7421

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

JAMES LAMBERSTON, Petitioner, v. SECRETARY OF HEALTH AND HUMAN SERVICES, Respondent.	No. 25-1745V Chief Special Master Brian H. Corcoran ECF

PROFFER ON AWARD OF COMPENSATION[1]

On October 16, 2025, James Lambertson ("petitioner") filed a petition for compensation ("Petition") under the National Childhood Vaccine Injury Act of 1986, as amended (the "Vaccine Act"), 42 U.S.C. §§ 300aa-1 to -34. Petitioner alleges that he received an influenza vaccination on September 30, 2024, and thereafter suffered from a right shoulder injury related to vaccine administration ("SIRVA"). Petition at 1.

On June 18, 2026, 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 SIRVA Table injury, and on June 29, 2026, the Chief Special Master issued a Ruling on Entitlement finding petitioner entitled to compensation. ECF No. 15; ECF No. 17.

[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

A. Pain and Suffering

Based on the evidence of record, respondent proffers that petitioner should be awarded $60,000.00 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 Medi-Cal Program Medicaid lien in the amount of $457.44 which represents full satisfaction of any right of subrogation, assignment, claim, lien, or cause of action the Medi-Cal Program may have against any individual as a result of any Medicaid payment the Medi-Cal Program 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 alleged vaccine-related injury suffered on or about September 30, 2024, 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. Proof of guardianship is not required in this case. The parties recommend that the compensation provided to petitioner should be made through a lump sum payment 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 $60,000.00 to be paid through an ACH deposit to petitioner's counsel's IOLTA account for prompt disbursement to petitioner, James Lambertson; and

[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 pain and suffering.

B. A lump sum payment of $457.44, representing compensation for satisfaction of the Medi-Cal Program lien, to be paid through an ACH deposit to petitioner's counsel's IOLTA account for prompt disbursement to:

Department of Health Care Services Personal Injury Program, MS 4720
DHCS Account Number: C96500290G-001T
P.O. Box 997421
Sacramento, CA 95899-7421

Respectfully submitted,

BRETT A. SHUMATE
Assistant Attorney General

JONATHAN D. GUYNN
Acting Director
Torts Branch, Civil Division

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Torts Branch, Civil Division

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/s/CAMILLE J. WEBSTER
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Dated: July 13, 2026

CERTIFICATE OF SERVICE

I certify that today, July 13, 2026, a copy of the foregoing pleading will be served by electronic mail to Laura Levenberg at laura@mullerbrazil.com.

/s/CAMILLE J. WEBSTER
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