

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
(Filed: January 8, 2016)

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██████████
Petitioner,
v.
SECRETARY OF HEALTH
AND HUMAN SERVICES,
Respondent.
* * * * *

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* No. 13-795V
*
* Special Master Roth
*
* Damages Decision Based on Proffer;
* Influenza Vaccination; Shoulder Injury
* Related to Vaccine Administration
* [“SIRVA”]
*

Danielle A. Strait, Hogan, Maglio Christopher and Toale, PA, Washington, DC, for petitioner.
Claudia B. Gangi, U.S. Department of Justice, Washington, DC, for respondent.

DECISION AWARDING DAMAGES¹

On October 15, 2013, ██████████ filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. § 300aa-10, *et seq.*² [the “Vaccine Act” or “Program”], alleging that that she suffered a shoulder injury as a result of the influenza vaccine she received on January 27, 2012.

On January 8, 2016, respondent filed a proffer on award of compensation (“Proffer”). According to respondent’s Proffer, petitioner agrees to the proposed award of compensation. Pursuant to the terms stated in the attached Proffer, **petitioner is AWARDED:**

a lump sum payment of **\$443,284.82**, representing compensation for future medical care expenses (\$98,485.68), lost earnings (\$209,215.14), pain and suffering

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). In accordance with Vaccine Rule 18(b), petitioners have 14 days to identify and move to delete 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 delete such material from public access.

² The Program comprises Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-10 *et seq.* (hereinafter “Vaccine Act” or “the Act”). Hereafter, individual section references will be to 42 U.S.C. § 300aa of the Act.

(\$125,000.00), and past unreimbursable expenses (\$10,584.00), in the form of a check payable to petitioner, [REDACTED]

These amounts represent compensation for all damages that would be available under § 300aa-15(a).

The clerk of the court is directed to enter judgment in accordance with this decision.³

IT IS SO ORDERED.

s/Mindy Michaels Roth
Mindy Michaels Roth
Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each party filing a notice renouncing the right to seek review.