

# In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 17-1067V

Filed: July 13, 2018

██████████

██████████,

Petitioner,

v.

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

Special Processing Unit (SPU); Joint  
Stipulation on Damages; Influenza  
(Flu) Vaccine; Shoulder Injury  
Related to Vaccine Administration  
(SIRVA)

*Shealene Priscilla Wasserman, Muller Brazil, LLP, Dresher, PA, for petitioner.*  
*Darryl R. Wishard, U.S. Department of Justice, Washington, DC, for respondent.*

## **DECISION ON JOINT STIPULATION<sup>1</sup>**

**Dorsey**, Chief Special Master:

On August 7, 2017, ██████████ (“petitioner”) filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,<sup>2</sup> (the “Vaccine Act”). Petitioner alleges that she suffered a left shoulder injury related to vaccine injury (“SIRVA”) as a result of an influenza (“flu”) vaccine she received on November 5, 2014. Petition at 1; Stipulation, filed July 13, 2018, at ¶ 4. Petitioner further alleges that she suffered the symptoms of this injury for more than six months. Petition at 4; Stipulation at ¶ 4. “Respondent denies that the flu vaccine either caused or significantly aggravated petitioner’s alleged injury or any other injury, and denies that petitioner’s current disabilities are the result of a vaccine-related injury.” Stipulation at ¶ 6.

Nevertheless, on July 13, 2018, the parties filed the attached joint stipulation, stating that a decision should be entered awarding compensation. The undersigned

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<sup>1</sup> Because this unpublished decision contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). 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, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

finds the stipulation reasonable and adopts it as the decision of the Court in awarding damages, on the terms set forth therein.

Pursuant to the terms stated in the attached Stipulation, **the undersigned awards** the following compensation:

**A lump sum of \$110,000.00, in the form of a check payable to petitioner.** Stipulation at ¶ 8. This amount represents compensation for all items of damages that would be available under 42 U.S.C. § 300aa-15(a). *Id.*

The undersigned approves the requested amount for petitioner's compensation. In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment in accordance with this decision.<sup>3</sup>

**IT IS SO ORDERED.**

**s/Nora Beth Dorsey**  
Nora Beth Dorsey  
Chief Special Master

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<sup>3</sup> 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.