

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 14-530V

(Filed: November 5, 2014)

\* \* \* \* \*

LESLIE HORNICK,

Petitioner,

v.

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

\* \* \* \* \*

UNPUBLISHED

Special Master Hamilton-Fieldman

Decision on Proffer; Damages;  
Influenza (“Flu”) Vaccine; Shoulder  
Injury Related to Vaccine  
Administration (SIRVA).

Maximillian Muller, Muller Brazil, LLP, Philadelphia, PA, for Petitioner.

Alexis Babcock, United States Department of Justice, Washington, D.C., for Respondent.

### **DECISION AWARDING DAMAGES<sup>1</sup>**

On June 20, 2014, Leslie Hornick (“Petitioner”) filed a petition for compensation under the National Vaccine Injury Compensation Program (“the Program”).<sup>2</sup> Petitioner alleged that an influenza (“flu”) vaccination she received on October 10, 2013 caused her to suffer from a shoulder injury related to vaccine administration (“SIRVA”). On October 29, 2014, the undersigned issued a Ruling finding that Petitioner is entitled to compensation.

On November 5, 2014, Respondent filed a Proffer of Damages (“Proffer”) recommending that Petitioner be awarded \$80,000.00. Respondent represents that Petitioner agrees with the

<sup>1</sup> Because this decision contains a reasoned explanation for the undersigned’s action in this case, the undersigned intends to post this ruling on the website of the United States Court of Federal Claims, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction “of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy.” Vaccine Rule 18(b).

<sup>2</sup> The Program comprises Part 2 of the National Childhood Vaccine Injury Act of 1986, 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.

proffered award.

Based on the record as a whole, the undersigned finds that Petitioner is entitled to an award as stated in the Proffer. Pursuant to the terms stated in the attached Proffer, the undersigned awards Petitioner:

**A lump sum payment of \$80,000.00 in the form of a check payable to Petitioner.**

Proffer ¶ II.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** herewith.<sup>3</sup>

**IT IS SO ORDERED.**

s/ Lisa Hamilton-Fieldman  
Lisa Hamilton-Fieldman  
Special Master

---

<sup>3</sup> Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.