In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS
No. 16-1581V
Filed: November 16, 2017
UNPUBLISHED

DELLA CANTRELL, Petitioner, v. SECRETARY OF HEALTH AND HUMAN SERVICES, Respondent.	Special Processing Unit (SPU); Damages Decision Based on Proffer; Influenza (Flu) Vaccine; Shoulder Injury Related to Vaccine Administration (SIRVA)

Jeffrey S. Pop, Jeffrey S. Pop & Associates, Beverly Hills, CA, for petitioner.
Glenn Alexander MacLeod, U.S. Department of Justice, Washington, DC, for respondent.

DECISION AWARDING DAMAGES[1]

Dorsey, Chief Special Master:

On November 29, 2016, petitioner 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 "severe left shoulder pain" resulting from an influenza ("flu") vaccination on October 3, 2015. Pet. at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On August 18, 2017, a ruling on entitlement was issued, finding petitioner entitled to compensation for a shoulder injury related to vaccine administration ("SIRVA"). On November 16, 2017, respondent filed a proffer on award of compensation ("Proffer") indicating petitioner should be awarded $112,500.00. Proffer at 1. In the Proffer, respondent represented that petitioner agrees with the proffered award. Based on the

[1] Because this unpublished decision contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website,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.

[2] 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).

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 $112,500.00 in the form of a check payable to petitioner, Della Cantrell.** This amount represents 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/Nora Beth Dorsey
Nora Beth Dorsey
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

DELLA CANTRELL,	*	
Petitioner,	*	
v.	*	**No. 16-1581V (ECF)**
	*	CHIEF SPECIAL MASTER
	*	NORA BETH DORSEY
SECRETARY OF HEALTH AND HUMAN SERVICES,	*	
Respondent.	*	

RESPONDENT'S PROFFER ON AWARD OF COMPENSATION

On August 18, 2017, the Chief Special Master found that a preponderance of the medical evidence indicates that petitioner suffered a left shoulder injury related to vaccine administration ("SIRVA"), which was causally related to the influenza ("flu") vaccination she received on October 3, 2015. The parties now address the amount of compensation to be awarded in this case.

I. Items of Compensation

Based upon the evidence of record, respondent proffers that petitioner should be awarded $112,500.00, which represents all elements of compensation to which petitioner would be entitled under 42 U.S.C. § 300aa-15(a).[1] Petitioner agrees.

[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 and future pain and suffering.

II. Form of the Award

Petitioner is a competent adult. Accordingly, the parties recommend that the compensation provided to petitioner should be made through a lump sum payment of $112,500.00 in the form of a check payable to petitioner. Petitioner agrees.

Respectfully submitted,

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DATE: November 16, 2017