

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 19-1290V

UNPUBLISHED

AZIZA WALKER,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: September 21, 2021

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.*

*Althea Walker Davis, U.S. Department of Justice, Washington, DC, for Respondent.*

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

On August 27, 2019, Aziza Walker<sup>2</sup> filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*<sup>3</sup> (the “Vaccine Act”). Petitioner alleges that she suffered a right shoulder injury related to vaccine administration (“SIRVA”). Petition at ¶1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On February 9, 2021, a ruling on entitlement was issued, finding Petitioner entitled to compensation for her right shoulder SIRVA injury. ECF No. 30. On September 20, 2021, Respondent filed a proffer on award of compensation (“Proffer”) indicating Petitioner should be awarded \$87,500.00 for her pain and suffering. Proffer at 1. In the

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<sup>1</sup> Because this unpublished Decision contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in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). **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.

<sup>2</sup> At the time of filing, Petitioner's name was Aziza Adams. ECF No. 1. On August 18, 2021, the caption of the case was changed to reflect her name change to Aziza Walker. ECF No. 41.

<sup>3</sup> 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 (2012).

Proffer, Respondent represented that Petitioner agrees with the proffered award. *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 a lump sum payment of \$87,500.00 in the form of a check payable to Petitioner.** This amount represents compensation for all damages that would be available under Section 15(a).

The clerk of the court is directed to enter judgment in accordance with this decision.<sup>4</sup>

**IT IS SO ORDERED.**

**s/Brian H. Corcoran**

Brian H. Corcoran  
Chief Special Master

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<sup>4</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.

IN THE UNITED STATES COURT OF FEDERAL CLAIMS  
OFFICE OF SPECIAL MASTERS

_____	)	
AZIZA WALKER,	)	
	)	
Petitioner,	)	No. 19-1290V
	)	Chief Special Master
v.	)	Brian H. Corcoran
	)	SPU
SECRETARY OF HEALTH	)	
AND HUMAN SERVICES,	)	
	)	
Respondent.	)	
_____	)	

**RESPONDENT'S PROFFER ON AWARD OF COMPENSATION**

On August 27, 2019, Aziza Walker<sup>1</sup> (“petitioner”) filed a petition for compensation (“Petition”) under the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. §§ 300aa-1 to -34 (“Vaccine Act” or “Act”), as amended. Respondent conceded petitioner’s entitlement to compensation in his Rule 4(c) Report filed on February 8, 2021. ECF No. 29. Based on Respondent’s Rule 4(c) Report, on February 9, 2021, Chief Special Master Corcoran found petitioner entitled to compensation for her right shoulder SIRVA injury. ECF No. 30.

**I. Items of Compensation**

Based upon the evidence of record, respondent proffers that petitioner should be awarded \$87,500.00 for petitioner’s pain and suffering. This represents all elements of compensation to which petitioner would be entitled under 42 U.S.C. § 300aa-15(a). Petitioner agrees.

**II. Form of the Award**

Respondent recommends that the compensation provided to petitioner should be made

<sup>1</sup> At the time that the petition was filed, petitioner’s name was Aziza Adams. ECF No. 1. On August 18, 2021, the Court granted petitioner’s motion to amend the caption of her case to reflect her name change to Aziza Walker, following the dissolution of her marriage. ECF No. 41.

through a lump sum payment of **\$87,500.00**, in the form of a check made payable to petitioner.<sup>2</sup>

Petitioner agrees.

Petitioner is a competent adult. Evidence of guardianship is not required in this case.

Respectfully submitted,

BRIAN M. BOYNTON  
Acting Assistant Attorney General

C. SALVATORE D’ALESSIO  
Acting Director  
Torts Branch, Civil Division

HEATHER L. PEARLMAN  
Deputy Director  
Torts Branch, Civil Division

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Assistant Director  
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s/Althea Walker Davis  
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DATED: September 20, 2021

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<sup>2</sup> Should petitioner die prior to the 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, future lost earnings, and future pain and suffering.