

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 20-0098V

UNPUBLISHED

PATRICIA SNELSON,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: October 21, 2021

Special Processing Unit (SPU);
Damages Decision Based on Proffer;
Influenza (Flu) Vaccine; Shoulder
Injury Related to Vaccine
Administration (SIRVA)

Emily Beth Ashe, Anapol Weiss, Philadelphia, PA, for Petitioner.

*Terrence Kevin Mangan, Jr., U.S. Department of Justice, Washington, DC, for
Respondent.*

DECISION AWARDING DAMAGES¹

On January 29, 2020, Patricia Snelson 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 that she suffered a Table injury – Shoulder Injury Related to Vaccine Administration (“SIRVA”) as a result of her November 14, 2018 influenza (“flu”) vaccination. Amended Petition, filed September 23, 2020, at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On October 14, 2021, a ruling on entitlement was issued, finding Petitioner entitled to compensation for SIRVA. On October 18, 2021, Respondent filed a proffer on award of compensation (“Proffer”) indicating Petitioner should be awarded \$42,500.00 for all damages, consisting entirely of pain and suffering. Proffer at 1-2. In the Proffer,

¹ Because this unpublished Decision contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in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

² 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).

Respondent represented that Petitioner agrees with the proffered award. *Id.* at 2. 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 \$42,500.00 (representing pain and suffering) 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.³

IT IS SO ORDERED.

s/Brian H. Corcoran
Brian H. Corcoran
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.

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OFFICE OF SPECIAL MASTERS**

PATRICIA SNELSON,

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SECRETARY OF HEALTH AND
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Respondent.

No. 20-098V
Chief Special Master Corcoran
ECF

PROFFER ON AWARD OF COMPENSATION

I. Procedural History

On January 29, 2020, Patricia Snelson (“petitioner”) filed a petition for compensation (“petition”) under the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. §§ 300aa-1 to -34, *as amended*. Petitioner alleges that she suffered from “severe left shoulder pain, an inability to lift and a decreased range of motion, which were caused in fact by” the influenza (“flu”) vaccination she received on November 14, 2018. *See* Petition at 1. On October 13, 2021, the Secretary of Health and Human Services (“respondent”) filed a Rule 4(c) Report indicating that this case is appropriate for compensation under the terms of the Act for a Shoulder Injury Related to Vaccine Administration (“SIRVA”) Table injury, and on October 14, 2021, the Chief Special Master issued a Ruling on Entitlement finding petitioner entitled to compensation. ECF No. 30; ECF No. 31.

II. Items of Compensation

Based upon the evidence of record, respondent proffers that petitioner should be awarded a lump sum of **\$42,500.00** for all damages, consisting entirely of pain and suffering. This

amount represents all elements of compensation to which petitioner is entitled under **42 U.S.C. § 300aa-15(a)**. Petitioner agrees.

III. Form of the Award

Respondent recommends that the compensation provided to petitioner should be made through a lump sum payment, as described below, and requests that the Chief Special Master's decision and the Court's judgment award the following: A lump sum payment of **\$42,500.00** in the form of a check payable to petitioner.¹ Petitioner agrees.

Respectfully submitted,

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¹ Should petitioner die prior to entry of judgment, respondent would oppose any award for future medical expenses, future lost earnings, and future pain and suffering, and the parties reserve the right to move the Court for appropriate relief.