

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 22-0217V

JOYCE GLENN, *as personal
representative of the estate of*
ANTHONY GLENN,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: October 10, 2023

Jessi Carin Huff, Maglio Christopher & Toale, Seattle, WA, for Petitioner.

Jennifer A. Shah, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION ON DAMAGES¹

On February 25, 2022, Joyce Glenn (“Petitioner”), as personal representative of the estate of Anthony Glenn (“Decedent”) 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 alleged that Decedent suffered Guillain-Barré syndrome (“GBS”) following the administration of an influenza (“flu”) vaccine on September 13, 2019. Petition, ECF No. 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

¹ Because this Decision contains a reasoned explanation for the action taken in this case, it must be made publicly accessible and will be posted on the United States Court of Federal Claims' website, and/or at <https://www.govinfo.gov/app/collection/uscourts/national/cofc>, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2018) (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 (2018).

On December 13, 2022, a ruling on entitlement was issued, finding that Petitioner was entitled to compensation for GBS following receipt of a flu vaccine as listed on the Vaccine Injury Table. On October 10, 2023, Respondent filed a proffer on award of compensation (“Proffer”). ECF No. 33. 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 \$90,000.00 (for past pain and suffering) in the form of a check payable to Petitioner Joyce Glenn, as administrator of the estate of Anthony Glenn. This amount represents compensation for all damages that would be available under Section 15(a).

The Clerk of 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.

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

JOYCE GLENN, as personal representative
of the estate of ANTHONY GLENN,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

No. 22-217V
Chief Special Master Corcoran
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RESPONDENT’S PROFFER ON AWARD OF COMPENSATION

On February 25, 2022, Joyce Glenn (“petitioner”), as personal representative of the estate of Anthony Glenn (“decedent”),¹ filed a Petition (“Petition” or “Pet.”) for compensation under the National Childhood Vaccine Injury Act of 1986, as amended (the “Vaccine Act” or “Act”), 42 U.S.C. §§ 300aa-1 to -34. Petitioner alleged that decedent suffered Guillain-Barré Syndrome (“GBS”) following the administration of an influenza (“flu”) vaccination, and that his injury meets the criteria for compensation pursuant to the Vaccine Injury Table (“Table”). Pet. at 5.

On December 12, 2022, respondent filed his Vaccine Rule 4(c) report, recommending that compensation be awarded. ECF No. 20. On December 13, 2022, this Court issued a Ruling on Entitlement finding petitioner entitled to compensation. ECF No. 21. Specifically, based on respondent’s recommendation, the Court found petitioner entitled to compensation for GBS and related sequelae that decedent sustained following the administration of an influenza (“flu”)

¹ Petitioner filed documentation on February 3, 2023, establishing that on November 2, 2022, she was appointed administrator of Anthony Glenn’s estate under the laws of the State of California. See Exhibit 7. All references to petitioner herein refer solely to Joyce Glenn in her representative capacity as the administrator of the estate of Anthony Glenn.

vaccination on September 13, 2019, and that petitioner's claim satisfies the requirements necessary to qualify as a Table injury set forth in the Vaccine Injury Table ("Table") and the Qualifications and Aids to Interpretation ("QAI"), which afford petitioner a presumption of causation if the onset of GBS occurs between three and forty-two days after a seasonal flu vaccination and there is no apparent alternative cause. Respondent now proffers that petitioner receive an award as follows:

I. Item of Compensation

Respondent proffers that petitioner should be awarded **\$90,000.00** for past 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 through a lump sum payment as described below and requests that the Chief Special Master's decision and the Court's judgment award the following²: a lump sum payment of **\$90,000.00**, representing compensation for all elements of economic and noneconomic damages, in the form of a check payable to petitioner, Joyce Glenn, as administrator of the estate of Anthony Glenn.

III. Summary of Recommended Payment Following Judgment

Lump sum payable to petitioner, Joyce Glenn, as administrator of the estate of Anthony Glenn: **\$90,000.00**.

² 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 lost earnings and future pain and suffering.

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

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

HEATHER L. PEARLMAN
Deputy Director
Torts Branch, Civil Division

TRACI R. PATTON
Assistant Director
Torts Branch, Civil Division

/s/ Jennifer A. Shah
Jennifer A. Shah
Trial Attorney
Torts Branch, Civil Division
U.S. Department of Justice
P.O. Box 146
Benjamin Franklin Station
Washington, D.C. 20044-0146
Tel: (202) 305-2181
Jennifer.shah@usdoj.gov

Dated: October 10, 2023