

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 20-0896V

<div style="background-color: black; width: 100px; height: 15px; margin: 0 auto;"></div> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">v.</p> <p style="text-align: center;">SECRETARY OF HEALTH AND HUMAN SERVICES,</p> <p style="text-align: center;">Respondent.</p>

Chief Special Master Corcoran

Filed: September 8, 2023

Brian L. Cinelli, Schiffmacher Cinelli Adoff, LLP, Buffalo, NY, for Petitioner.

Catherine Elizabeth Stolar, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION ON JOINT STIPULATION¹

On July 23, 2020, [REDACTED] 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 he suffered a left shoulder injury related to vaccine administration ("SIRVA"), a defined Table Injury, or in the alternative a caused-in-fact injury, after receipt of the influenza ("flu") vaccine on January 31, 2018. Petition at ¶¶ 1, 11, 108-109; Stipulation, filed at Sept. 8, 2023, ¶¶ 1-2, 4. "Respondent denies that [P]etitioner sustained a Table injury for SIRVA; denies that the flu vaccine caused [P]etitioner to suffer a left shoulder injury or any other injury; and denies that his current condition is a sequela of a vaccine-related injury." Stipulation at ¶ 6.

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).

Nevertheless, on September 8, 2023, the parties filed the attached joint stipulation, stating that a decision should be entered awarding compensation. I find the stipulation reasonable and adopt it as my decision awarding damages, on the terms set forth therein.

Pursuant to the terms stated in the attached Stipulation, I award **\$130,000.00** as follows:

1. A lump sum payment of **\$123,700.13** in the form of a check payable to Petitioner; and
2. A lump sum payment of **\$6,299.87**, representing reimbursement of a Medicaid lien for services rendered to Petitioner by the State of Washington, in the form of a check payable jointly to Petitioner and Optum, and mailed to:

Optum
L-3994
Columbus, OH 43260-3994.

Stipulation at ¶ 8. Petitioner agrees to endorse the check to Optum for satisfaction of the Medicaid lien. This amount represents compensation for all items of damages that would be available under Section 15(a). *Id.*

I approve the requested amount for Petitioner's compensation. In the absence of a motion for review filed pursuant to RCFC Appendix B, 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.