

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No.
UNPUBLISHED

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| , , Petitioner, v. SECRETARY OF HEALTH AND HUMAN SERVICES, Respondent. |
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Chief Special Master Corcoran

Filed:

Special Processing Unit (SPU); Joint Stipulation on Damages; Tetanus Diphtheria acellular Pertussis (Tdap) Vaccine; Influenza (Flu Vaccine); Shoulder Injury Related to Vaccine Administration (SIRVA)

Elizabeth Martin Muldowney, Sands Anderson PC, Richmond, VA, for petitioner.

Lynn Christina Schlie, U.S. Department of Justice, Washington, DC, for respondent.

DECISION ON JOINT STIPULATION¹

On _____ 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 a permanent indentation in her left shoulder as a result of receiving an influenza (“flu”) and tetanus diphtheria acellular pertussis (Tdap) vaccines in her left shoulder on _____. Petition at 1-2; Stipulation, filed at _____, ¶¶ 4, 6. Petitioner further alleges that she experienced the residual effects of this injury for more than six months. Petition at 3; Stipulation at ¶¶ 4, 6. “Respondent denies that petitioner sustained a permanent indentation in her left shoulder following the flu and Tdap vaccinations, and further denies that the vaccines caused petitioner to suffer any other injury or her current condition.” Stipulation at ¶ 6.

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in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 “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

Nevertheless, on _____, 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** the following compensation:

A lump sum of \$12,000.00, in the form of a check payable to Petitioner. Stipulation at ¶ 8. 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 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.