



Report from the Department of Justice

June 2, 2022

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Deputy Director, Torts Branch

Statistics

Reporting Period: 2/16/22 – 5/15/22

Total Petitions Filed in the United States Court of Federal Claims this Reporting Period: **205**

- Involving Minors: **27**
- Involving Adults: **178**

Statistics

Reporting Period: 2/16/22 – 5/15/22

Total Petitions Adjudicated this Reporting Period: 292

- **Cases Compensated: 241**
 - **Cases conceded by HHS: 101**
 - **Decisions awarding Damages: 13**
 - **Decisions adopting Proffer: 88**
 - **Decisions adopting Settlement: 0**
 - **Cases not conceded by HHS: 140**
 - **Decisions awarding Damages: 2**
 - **Decisions adopting Proffer: 11**
 - **Decisions adopting Settlement: 127**
- **Cases Not Compensated/Dismissed: 51**

Statistics

Reporting Period: 2/16/22 – 5/15/22

Total Petitions Voluntarily Withdrawn this Reporting Period: 37

- No judgments are issued in withdrawn cases

Appeals: U.S. Court of Appeals for the Federal Circuit

Decided Cases

Appeals by Petitioner:

- *Webb v. HHS* (Entitlement): **AFFIRMED**

Appeals by Respondent:

- *None at this time*

Appeals: U.S. Court of Appeals for the Federal Circuit

Pending Cases

Appeals by Petitioner:

- **Cottingham v. HHS** (Attorneys' Fees/Costs)
- **Loyd v. HHS** (Entitlement)
- **Sanchez v. HHS** (Entitlement)

Appeals by Respondent:

- *None at this time*

Appeals: U.S. Court of Federal Claims

Decided Cases

Appeals by Petitioner:

- *Bello v. HHS* (Entitlement): **AFFIRMED**
- *Cottingham v. HHS* (Attorneys' Fees/Costs): **AFFIRMED**
- *Dimasi v. HHS* (Entitlement): **AFFIRMED**
- *Kelly v. HHS* (Entitlement): **AFFIRMED**
- *Ling v. HHS* (Entitlement): **AFFIRMED**
- *Winkler v. HHS* (Entitlement): **AFFIRMED**

Appeals: U.S. Court of Federal Claims

Decided Cases

Appeals by Respondent:

- *Contreras v. HHS* (Attorneys' Fees/Costs): **VACATED/REMANDED**
- *Doles v. HHS* (Entitlement): **VACATED/REMANDED**

Appeals: U.S. Court of Federal Claims

Pending Cases

Appeals by Petitioner:

- *Bossenbroek v. HHS* (Entitlement)
- *Fields v. HHS* (Attorneys' Fees/Costs)
- *Jusino v. HHS* (Entitlement)
- *Leming v. HHS* (Entitlement)
- *Mercer v. HHS* (Attorneys' Fees/Costs)
- *Quintana v. HHS* (Entitlement)
- *Shoemaker v. HHS* (Entitlement)

Appeals: U.S. Court of Federal Claims

Pending Cases

Appeals by Respondent:

- *None at this time*

Scheduled Oral Arguments

U.S. Court of Appeals for the Federal Circuit:

- *None at this time*

U.S. Court of Federal Claims:

- *None at this time*

Adjudicated Settlements*

Reporting Period: 2/16/22 – 5/15/22

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
1.	Flu	GBS	10 Months 18 Days
2.	Hep A, Hep B	Acute liver cell injury, autoimmune hepatitis	11 Months 15 Days
3.	Flu	Optic acute idiopathic blind spot enlargement	1 Year 3 Months 12 Days
4.	Pneumococcal conjugate	SIRVA	1 Year 3 Months 24 Days
5.	Flu	SIRVA	1 Year 4 Months 19 Days
6.	Flu	SIRVA	1 Year 4 Months 25 Days
7.	Tdap	Complex regional pain syndrome	1 Year 5 Months 6 Days
8.	Flu	SIRVA	1 Year 5 Months 8 Days
9.	Flu	SIRVA	1 Year 5 Months 30 Days
10.	Flu	SIRVA	1 Year 6 Months 3 Days
11.	Tdap	SIRVA	1 Year 6 Months 5 Days
12.	Flu	SIRVA	1 Year 6 Months 10 Days

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 2/16/22 – 5/15/22

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
13.	Flu	Radial and ulnar nerve injuries, brachial neuritis, complex regional pain syndrome	1 Year 6 Months 10 Days
14.	Flu	SIRVA	1 Year 6 Months 14 Days
15.	Pneumococcal conjugate, flu	SIRVA	1 Year 6 Months 16 Days
16.	Flu	SIRVA	1 Year 6 Months 24 Days
17.	Flu	SIRVA	1 Year 6 Months 25 Days
18.	Flu	GBS	1 Year 6 Months 31 Days
19.	Flu	SIRVA	1 Year 7 Months 1 Day
20.	Flu	SIRVA	1 Year 7 Months 1 Day
21.	Tdap	SIRVA	1 Year 7 Months 8 Days
22.	Flu	SIRVA	1 Year 7 Months 9 Days
23.	Flu	SIRVA	1 Year 7 Months 11 Days
24.	Flu	SIRVA	1 Year 7 Months 11 Days

Adjudicated Settlements*

Reporting Period: 2/16/22 – 5/15/22

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
25.	Flu	SIRVA	1 Year 7 Months 16 Days
26.	Flu	SIRVA	1 Year 7 Months 16 Days
27.	Flu	SIRVA	1 Year 7 Months 21 Days
28.	Flu	SIRVA	1 Year 7 Months 24 Days
29.	Flu	Transverse myelitis	1 Year 7 Months 28 Days
30.	Flu	SIRVA	1 Year 7 Months 30 Days
31.	Flu	SIRVA	1 Year 7 Months 30 Days
32.	Tdap	GBS	1 Year 8 Months 1 Day
33.	Flu	SIRVA	1 Year 8 Months 10 Days
34.	Flu	SIRVA	1 Year 8 Months 11 Days
35.	Flu	SIRVA	1 Year 8 Months 14 Days
36.	Flu	SIRVA	1 Year 8 Months 29 Days

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 2/16/22 – 5/15/22

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
37.	Flu	SIRVA	1 Year 9 Months 3 Days
38.	Flu, Tdap	SIRVA	1 Year 9 Months 19 Days
39.	Td	SIRVA	1 Year 9 Months 27 Days
40.	Flu	SIRVA	1 Year 9 Months 28 Days
41.	Tdap	SIRVA	1 Year 10 Months 2 Days
42.	Tdap	SIRVA	1 Year 10 Months 3 Days
43.	Flu	SIRVA	1 Year 10 Months 7 Days
44.	Flu	SIRVA	1 Year 10 Months 9 Days
45.	Flu	SIRVA	1 Year 10 Months 10 Days
46.	Flu	SIRVA	1 Year 10 Months 10 Days
47.	Flu	SIRVA	1 Year 10 Months 23 Days
48.	Flu	SIRVA	1 Year 10 Months 23 Days

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Adjudicated Settlements*

Reporting Period: 2/16/22 – 5/15/22

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
49.	Flu	SIRVA	1 Year 10 Months 23 Days
50.	Flu	SIRVA	1 Year 10 Months 27 Days
51.	Flu	SIRVA	1 Year 10 Months 29 Days
52.	Tdap	SIRVA	1 Year 10 Months 29 Days
53.	Flu	SIRVA	1 Year 10 Months 29 Days
54.	Flu	Transverse myelitis	1 Year 11 Months 4 Days
55.	Flu	SIRVA	1 Year 11 Months 12 Days
56.	Pneumococcal conjugate	SIRVA	1 Year 11 Months 15 Days
57.	Flu	SIRVA	2 Years 2 Days
58.	Flu	SIRVA	2 Years 3 Days
59.	Flu	SIRVA	2 Years 15 Days
60.	Flu	GBS	2 Years 19 Days

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 2/16/22 – 5/15/22

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
61.	Hep A	SIRVA	2 Years 23 Days
62.	Flu, MMR	Bacterial cellulitis, complex regional pain syndrome, shoulder injuries	2 Years 1 Month 7 Days
63.	Flu	Cellulitis	2 Years 1 Month 13 Days
64.	Flu	SIRVA	2 Years 1 Month 26 Days
65.	Flu	SIRVA	2 Years 2 Months 6 Days
66.	Pneumococcal conjugate	SIRVA	2 Years 2 Months 6 Days
67.	Tdap	SIRVA	2 Years 2 Months 7 Days
68.	Flu	SIRVA	2 Years 2 Months 7 Days
69.	Flu	SIRVA	2 Years 2 Months 12 Days
70.	Flu	SIRVA	2 Years 2 Months 21 Days
71.	Flu	SIRVA	2 Years 2 Months 29 Days
72.	Flu	SIRVA	2 Years 3 Months 5 Days

Adjudicated Settlements*

Reporting Period: 2/16/22 – 5/15/22

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
73.	Flu	SIRVA	2 Years 3 Months 20 Days
74.	Flu	Acute monophasic CNS demyelinating event	2 Years 3 Months 24 Days
75.	Flu	SIRVA	2 Years 3 Months 27 Days
76.	Flu	SIRVA	2 Years 4 Months 2 Days
77.	Flu	SIRVA	2 Years 4 Months 2 Days
78.	Flu	SIRVA	2 Years 4 Months 18 Days
79.	Meningococcal	SIRVA	2 Years 4 Months 23 Days
80.	Flu	GBS	2 Years 4 Months 23 Days
81.	Flu	SIRVA	2 Years 5 Months 15 Days
82.	Flu	SIRVA	2 Years 5 Months 20 Days
83.	Flu	SIRVA	2 Years 5 Months 27 Days
84.	Flu	SIRVA	2 Years 5 Months 30 Days

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 2/16/22 – 5/15/22

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
85.	Flu	SIRVA	2 Years 6 Months 2 Days
86.	Flu	SIRVA	2 Years 6 Months 4 Days
87.	Flu	SIRVA	2 Years 6 Months 9 Days
88.	Flu	GBS	2 Years 7 Months 8 Days
89.	Flu	SIRVA	2 Years 7 Months 20 Days
90.	Flu	SIRVA	2 Years 8 Months 6 Days
91.	Flu	SIRVA	2 Years 8 Months 8 Days
92.	Flu	GBS	2 Years 8 Months 12 Days
93.	Flu	SIRVA	2 Years 8 Months 14 Days
94.	Flu	SIRVA	2 Years 8 Months 18 Days
95.	Tdap	SIRVA	2 Years 8 Months 20 Days
96.	Flu	SIRVA	2 Years 9 Months 1 Day

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Adjudicated Settlements*

Reporting Period: 2/16/22 – 5/15/22

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
97.	Flu	SIRVA	2 Years 9 Months 11 Days
98.	Flu	Transverse myelitis	2 Years 9 Months 14 Days
99.	Flu	Transverse myelitis	2 Years 9 Months 26 Days
100.	Flu	Bell's palsy, bilateral sensorineural hearing loss	2 Years 9 Months 26 Days
101.	Flu	SIRVA	2 Years 10 Months 7 Days
102.	Tdap	CIDP	2 Years 11 Months 31 Days
103.	Tdap	GBS	3 Years 22 Days
104.	Flu	SIRVA	3 Years 1 Month 20 Days
105.	Tdap	SIRVA	3 Years 2 Months 14 Days
106.	Flu	GBS	3 Years 3 Months 15 Days
107.	Tdap	double vision, trochlear nerve palsy	3 Years 3 Months 19 Days
108.	Flu	GBS	3 Years 5 Months 12 Days

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 2/16/22 – 5/15/22

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
109.	PCV13	SIRVA	3 Years 6 Months 4 Days
110.	Flu	SIRVA	3 Years 6 Months 8 Days
111.	Flu	Transverse myelitis	3 Years 6 Months 11 Days
112.	Hep A, Tdap, meningococcal	CIDP	3 Years 8 Months 13 Days
113.	MMR, Hep B, Hib, pneumococcal conjugate, varicella	febrile seizures	3 Years 8 Months 18 Days
114.	MMR, varicella	Juvenile dermatomyositis	3 Years 9 Months 3 Days
115.	Flu	Transverse myelitis	3 Years 9 Months 31 Days
116.	Flu	CIDP	3 Years 10 Months 29 Days
117.	Flu	CIDP	4 Years 1 Month 25 Days
118.	Flu	SIRVA	4 Years 2 Months 25 Days
119.	Flu	SIRVA	4 Years 3 Months 7 Days
120.	Flu	ADEM	4 Years 3 Months 13 Days

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 2/16/22 – 5/15/22

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
121.	Flu	MS, CICP	4 Years 9 Months 9 Days
122.	Flu	SIRVA	4 Years 9 Months 23 Days
123.	Hib, meningococcal	GBS	4 Years 10 Months 20 Days
124.	Tdap	Transverse myelitis	5 Years 22 Days
125.	Hep B	GBS	5 Years 2 Months 10 Days
126.	Tdap, Menaetra	Idiopathic Thrombocytopenic Purpura	5 Years 5 Months 8 Days
127.	Flu	Encephalitis	7 Years 5 Days

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Appendix

Glossary of Terms

- **Petitions Adjudicated:** Final judgment has entered on the petition in the United States Court of Federal Claims.
- **Final Judgment:** Clerk of Court, United States Court of Federal Claims, enters judgment awarding or denying compensation.
- **Compensable:** Petitioner received an award of compensation, which can be achieved through a concession by HHS, settlement, or decision on the merits by the special master, United States Court of Federal Claims.
- **Conceded by HHS:** HHS concluded that a petition should be compensated based on review and analysis of the medical records.

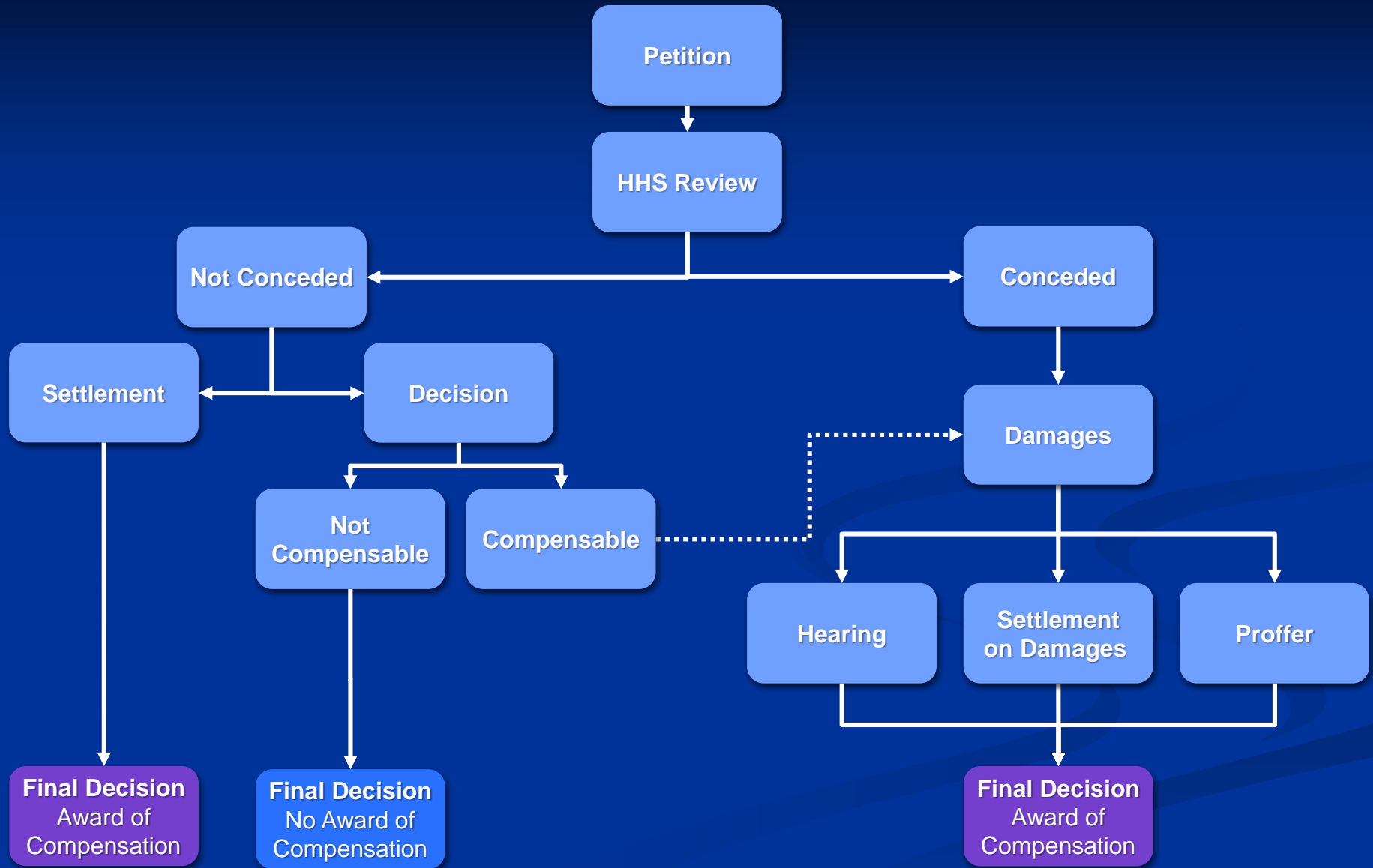
Glossary of Terms

- **Settlement:** Petition is resolved via a negotiated settlement between the parties, and results in the filing of a stipulation that memorializes the terms of the settlement.
- **Decision:** Special Master issues decision on the merits of the petition.
- **Non-compensable/Dismissed:** Petition dismissed.
- **Proffer:** After discussions between the parties regarding a reasonable amount of damages, respondent will file a suggested award of compensation, known within the Program as a “Proffer,” which is also agreed to by petitioners and their counsel. The Proffer is reviewed by the presiding special master to determine that it represents a reasonable measure of the amount of the award and describes compensation pursuant to 42 U.S.C. § 300aa-15(a). The special master issues a final decision consistent with the terms of the Proffer.

Glossary of Terms

- **Affirmed:** Case has been reviewed on appeal, and the court on appeal agreed with the decision of the lower court.
- **Reversed:** Case has been reviewed on appeal, and the court on appeal disagreed with the decision of the lower court. The court on appeal typically provides reasons for reversing, and that decision becomes the law of the case, absent further appeal.
- **Remanded:** Case has been reviewed on appeal, and the reviewing court has a problem with the decision and sends it back to the lower court. Typically, a case is remanded with a specific question or issue for the lower court to address.
- **Vacated:** Case has been reviewed on appeal, and the reviewing court has voided the lower court's decision.

Petition Processing in the Office of Special Masters



Levels of Appeal in Vaccine Act Cases

U.S. Supreme Court

U.S. Court of Appeals for the Federal Circuit

U.S. Court of Federal Claims

Office of Special Masters

Appeals Process for Vaccine Act Cases

