

Report from the Department of Justice

March 7, 2024

Heather Pearlman Deputy Director, Torts Branch

Statistics

Reporting Period: 8/16/23 - 2/15/24

Total Petitions Filed in the United States Court of Federal Claims this Reporting Period: 665

Involving Minors: 75

Involving Adults: 590

Statistics

Reporting Period: 8/16/23 – 2/15/24

Total Petitions Adjudicated this Reporting Period: 546

Cases Compensated: 446

Cases conceded by HHS: 194*

Decisions awarding Damages: 20

Decisions adopting Proffer: 174

Decisions adopting Settlement: 0

Cases not conceded by HHS: 252

Decisions awarding Damages: 17

Decisions adopting Proffer: 32

Decisions adopting Settlement: 203

Cases Not Compensated/Dismissed: 100

*Conceded Injuries: SIRVA: 154; Flu/GBS: 33; Flu/Anaphylaxis: 1; Flu/Syncopal Episode: 1; MMR/ITP: 1; Flu/Axillary Neuropathy: 1; MMR/Cellulitis: 1; Varicella/Varicella Viral Disease: 1; DTaP, Hep B, MMR, IPV, Varicella/Abscess: 1

Statistics Reporting Period: 8/16/23 – 2/15/24

Total Petitions Voluntarily Withdrawn this Reporting Period: 96

No judgments are issued in withdrawn cases

Decided Cases

As of February 15, 2024

Appeals by Petitioner:

- **Cottingham v. HHS** (Attorneys' Fees and Costs): Affirmed
- Ling v. HHS (Entitlement): Dismissed
- Winkler v. HHS (Entitlement): Affirmed

Appeals by Respondent:

None currently

Pending Cases

As of February 15, 2024

Appeals by Petitioner:

- **Cerrone v. HHS** (Entitlement)
- Dennington v. HHS (Entitlement)
- Doles v. HHS (Entitlement)
- **Falzon v. HHS** (Entitlement)
- Henkel v. HHS (Entitlement)
- **Howard v. HHS** (Entitlement)
- J.S. v. HHS (Entitlement)
- **K.A. v. HHS** (Entitlement)

Pending Cases

As of February 15, 2024

Appeals by Petitioner (cont.):

- **Kalajdzic v. HHS** (Entitlement)
- Larson v. HHS (Entitlement)
- Leming v. HHS (Entitlement)
- **Rogers v. HHS** (Entitlement)
- Sheller v. HHS (Attorneys' Fees/Costs)
- Veytsel v. HHS (Entitlement)
- Walters v. HHS (Entitlement)
- White (Ronald) v. HHS (Entitlement)
- W.J. v. HHS (Entitlement)

Pending Cases

As of February 15, 2024

Appeals by Respondent:

- Hinton v. HHS (Entitlement)
- Stratton v. HHS (Attorneys' Fees/Costs)

Decided Cases

As of February 15, 2024

Appeals by Petitioner:

- Bello v. HHS (Entitlement): Affirmed
- Bechel v. HHS (Entitlement): Affirmed
- Bossenbroek v. HHS (Damages): Affirmed-in-Part, Denied-in-Part, Remanded
- **Cerrone v. HHS** (Entitlement): Affirmed
- **Dennington v. HHS** (Entitlement): Affirmed
- Doles v. HHS (Entitlement): Affirmed
- Druery v. HHS (Entitlement): Affirmed

All decisions are available on the CFC's website: http://www.uscfc.uscourts.gov

Decided Cases

As of February 15, 2024

Appeals by Petitioner (cont.):

- Hodge v. HHS (Entitlement): Affirmed
- Hohenstein v. HHS (Attorneys' Fees and Costs): Affirmed
- Gothers v. HHS (Entitlement): Dismissed
- Larson v. HHS (Entitlement): Affirmed
- Nieves v. HHS (Entitlement): Affirmed
- **Osenbach v. HHS** (Entitlement): Affirmed
- Simeone v. HHS (Entitlement): Affirmed
- White (Richard) v. HHS (Entitlement): Affirmed

All decisions are available on the CFC's website: <u>http://www.uscfc.uscourts.gov</u>

Decided Cases

As of February 15, 2024

Appeals by Petitioner (cont.):

- White (Ronald) v. HHS (Entitlement): Affirmed
- Woods v. HHS (Entitlement): Affirmed

Appeals by Respondent:

None currently

All decisions are available on the CFC's website: http://www.uscfc.uscourts.gov

Pending Cases

As of February 15, 2024

Appeals by Petitioner:

- Anklam v. HHS (Entitlement)
- **Fisher v. HHS** (Entitlement)
- **Gamboa-Avila v. HHS** (Entitlement)
- **Hoffman v. HHS** (Entitlement)
- Mead v. HHS (Attorneys' Fees and Costs)
- Stricker v. HHS (Entitlement)
- **Townsend v. HHS** (Entitlement)

Pending Cases

As of February 15, 2024

Appeals by Petitioner (cont.):

- **Trinnaman v. HHS** (Entitlement)
- Vinesar v. HHS (Entitlement)

Appeals by Respondent:

None currently

Scheduled Oral Arguments

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

■ Kalajdzic v. HHS: April 4, 2024 – 10:00 a.m.

U.S. Court of Federal Claims:

None currently

Reporting Period: 8/16/23 – 2/15/24

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
1.	Flu	SIRVA	1 years 0 months 6 days
2.	Flu	GBS	1 years 0 months 7 days
3.	Flu	GBS	1 years 1 months 10 days
4.	Flu	SIRVA	1 years 1 months 13 days
5.	HPV, Tdap, MCV	GBS	1 years 1 months 18 days
6.	Flu	ADEM	1 years 1 months 4 days
7.	Flu	SIRVA	1 years 10 months 2 days
8.	Flu/Tdap	GBS/CIDP	1 years 10 months 4 days
9.	Flu/Hep A	ТМ	1 years 11 months 21 days
10.	Flu	SIRVA	1 years 11 months 27 days
11.	Flu	SIRVA	1 years 11 months 28 days
12.	Flu	SIRVA	1 years 2 months 11 days

Reporting Period: 8/16/23 – 2/15/24

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
13.	Flu	ITP	1 years 3 months 12 days
14.	Tdap	GBS	1 years 3 months 17 days
15.	Flu	SIRVA	1 years 4 months 21 days
16.	Flu	SIRVA	1 years 4 months 24 days
17.	Flu	Brachial Neuritis	1 years 4 months 30 days
18.	Tdap	GBS	1 years 4 months 31 days
19.	Flu	SIRVA	1 years 5 months 15 days
20.	Flu	SIRVA	1 years 5 months 2 days
21.	Flu	GBS	1 years 6 months 10 days
22.	Flu	SIRVA	1 years 6 months 12 days
23.	Flu	SIRVA	1 years 6 months 21 days
24.	Flu	ТМ	1 years 6 months 28 days

Reporting Period: 8/16/23 – 2/15/24

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
25.	Flu	ТМ	1 years 6 months 28 days
26.	Flu	SIRVA	1 years 6 months 31 days
27.	Flu	Peripheral Neuropathy/Radial Neuritis/CRPS	1 years 6 months 7 days
28.	Flu	Bell's Palsy	1 years 7 months 10 days
29.	Flu	Brachial Neuritis	1 years 7 months 11 days
30.	Flu	SIRVA	1 years 7 months 24 days
31.	Flu	AIDP/CIDP	1 years 7 months 27 days
32.	Flu	GBS/CIDP	1 years 7 months 29 days
33.	Flu	GBS	1 years 7 months 9 days
34.	Tdap	GBS	1 years 8 months 13 days
35.	Flu	SIRVA	1 years 9 months 19 days
36.	Flu	ITP	1 years 9 months 25 days

Reporting Period: 8/16/23 – 2/15/24

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
37.	Flu	GBS	1 years 9 months 27 days
38.	Flu	GBS	1 years 9 months 30 days
39.	Flu	SIRVA	2 years 0 months 12 days
40.	Flu	ТМ	2 years 0 months 14 days
41.	Flu	SIRVA	2 years 0 months 18 days
42.	Flu	CIDP	2 years 0 months 19 days
43.	Flu	SIRVA	2 years 0 months 22 days
44.	Flu	Multifocal Acquired Demyelinating Sensory and Motor Polyneuropathy ("MADSAM")	2 years 0 months 23 days
45.	Flu	SIRVA	2 years 0 months 3 days
46.	Tdap	GBS	2 years 0 months 8 days
47.	Flu	SIRVA	2 years 0 months 9 days
48.	Flu	SIRVA	2 years 1 months 10 days

Reporting Period: 8/16/23 – 2/15/24

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
49.	Flu	SIRVA	2 years 1 months 16 days
50.	Flu	Bilateral Neuralgic Amyotrophy	2 years 1 months 2 days
51.	Flu	SIRVA	2 years 1 months 2 days
52.	Flu/Hep A	ADEM	2 years 1 months 21 days
53.	Tdap	Hemorrhagic Stroke/Acute Subarachnoid Hemorrhage	2 years 10 months 1 days
54.	Flu	SIRVA	2 years 10 months 1 days
55.	Flu	SIRVA	2 years 10 months 18 days
56.	Flu	Brachial Neuritis/Parsonage Turner Syndrome/Left Shoulder Pain	2 years 10 months 18 days
57.	Flu	SIRVA	2 years 10 months 2 days
58.	Flu	SIRVA	2 years 10 months 20 days
59.	Flu	SIRVA	2 years 10 months 21 days
60.	Flu	SIRVA	2 years 1 months 16 days

Reporting Period: 8/16/23 – 2/15/24

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
61.	Flu	SIRVA	2 years 10 months 23 days
62.	Flu	SIRVA	2 years 10 months 23 days
63.	Flu	SIRVA	2 years 10 months 24 days
64.	Flu	SIRVA	2 years 10 months 24 days
65.	Flu	SIRVA	2 years 10 months 25 days
66.	PCV	SIRVA	2 years 10 months 25 days
67.	Hep A/Hep B/Tdap	SIRVA	2 years 10 months 26 days
68.	Flu	SIRVA	2 years 10 months 9 days
69.	Flu	SIRVA	2 years 11 months 1 days
70.	Flu	GBS	2 years 11 months 12 days
71.	Flu	SIRVA	2 years 11 months 12 days
72.	Flu	SIRVA	2 years 11 months 15 days

Reporting Period: 8/16/23 – 2/15/24

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
73.	Flu	SIRVA	2 years 11 months 16 days
74.	Tdap	SIRVA	2 years 11 months 2 days
75.	Tdap	SIRVA	2 years 11 months 23 days
76.	Flu	SIRVA	2 years 11 months 27 days
77.	Flu	SIRVA	2 years 11 months 3 days
78.	Flu	Optic Neuritis	2 years 11 months 31 days
79.	Flu	GBS/AIDP/CIDP	2 years 11 months 4 days
80.	PCV	SIRVA	2 years 11 months 8 days
81.	Flu	SIRVA	2 years 11 months 8 days
82.	Flu	SIRVA	2 years 11 months 9 days
83.	Flu	SIRVA	2 years 11 months 9 days
84.	Flu	Polymyalgia Rheumatica	2 years 2 months 14 days

Reporting Period: 8/16/23 – 2/15/24

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
85.	Flu	SIRVA	2 years 2 months 23 days
86.	Flu	SIRVA	2 years 3 months 18 days
87.	Tdap	SIRVA	2 years 3 months 9 days
88.	Td	ТМ	2 years 4 months 2 days
89.	Flu	SIRVA/Brachial Neuritis/CRPS	2 years 4 months 20 days
90.	Flu	ITP	2 years 4 months 21 days
91.	Flu	SIRVA	2 years 4 months 7 days
92.	Flu	Parsonage Turner Syndrome/Brachial Plexopathy/Rotator Cuff Tear	2 years 5 months 27 days
93.	Tetanus	ТМ	2 years 5 months 8 days
94.	PCV	Left Radial Nerve Palsy	2 years 6 months 26 days
95.	Flu	SIRVA	2 years 6 months 31 days
96.	Flu	SIRVA	2 years 7 months 14 days

Reporting Period: 8/16/23 – 2/15/24

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
97.	Flu	SIRVA	2 years 7 months 2 days
98.	Flu	SIRVA	2 years 7 months 22 days
99.	Flu	SIRVA	2 years 7 months 22 days
100.	Flu	SIRVA	2 years 7 months 23 days
101.	Flu	SIRVA	2 years 7 months 25 days
102.	Flu	SIRVA	2 years 7 months 25 days
103.	Flu	CIDP	2 years 7 months 28 days
104.	Flu	SIRVA	2 years 7 months 3 days
105.	Tdap	GBS	2 years 7 months 30 days
106.	Flu	GBS/TM	2 years 7 months 30 days
107.	Flu	SIRVA	2 years 7 months 31 days
108.	Flu	SIRVA	2 years 8 months 10 days

Reporting Period: 8/16/23 – 2/15/24

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
109.	Flu	SIRVA	2 years 8 months 12 days
110.	Flu	SIRVA	2 years 8 months 13 days
111.	Flu	SIRVA	2 years 8 months 14 days
112.	Flu	SIRVA	2 years 8 months 14 days
113.	Flu	SIRVA	2 years 8 months 17 days
114.	Flu	SIRVA	2 years 8 months 19 days
115.	PCV/Flu	GBS	2 years 8 months 2 days
116.	Flu	SIRVA	2 years 8 months 20 days
117.	Flu	SIRVA	2 years 8 months 20 days
118.	Tdap	SIRVA	2 years 8 months 21 days
119.	Flu	SIRVA	2 years 8 months 22 days
120.	Flu	SIRVA	2 years 8 months 25 days

Reporting Period: 8/16/23 – 2/15/24

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
121.	Flu	SIRVA	2 years 8 months 25 days
122.	Tdap	SIRVA	2 years 8 months 26 days
123.	Hep A/PCV/Polio	SIRVA	2 years 8 months 27 days
124.	Flu	SIRVA	2 years 8 months 27 days
125.	Flu	SIRVA	2 years 8 months 28 days
126.	Flu	SIRVA	2 years 8 months 6 days
127.	Flu	SIRVA	2 years 8 months 9 days
128.	Flu	SIRVA	2 years 8 months 9 days
129.	Flu	SIRVA	2 years 9 months 11 days
130.	Flu	SIRVA	2 years 9 months 12 days
131.	Flu	SIRVA	2 years 9 months 15 days
132.	Flu	SIRVA	2 years 9 months 16 days

Reporting Period: 8/16/23 – 2/15/24

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
133.	Flu	SIRVA	2 years 9 months 16 days
134.	Tdap/Flu	Optic Neuritis and/or Myelin Oligodendrocyte Glycoprotein Antibody Disease ("MOGAD")	2 years 9 months 17 days
135.	Flu	SIRVA	2 years 9 months 20 days
136.	Flu	SIRVA	2 years 9 months 21 days
137.	Flu	SIRVA	2 years 9 months 27 days
138.	Flu	SIRVA	2 years 9 months 28 days
139.	Flu	SIRVA	2 years 9 months 30 days
140.	Flu	SIRVA	2 years 9 months 6 days
141.	Flu	SIRVA	2 years 9 months 7 days
142.	Flu	SIRVA	2 years 9 months 7 days
143.	Flu	SIRVA	3 years 0 months 13 days
144.	Flu	SIRVA	3 years 0 months 14 days

Reporting Period: 8/16/23 – 2/15/24

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
145.	Flu	SIRVA	3 years 0 months 15 days
146.	Flu	SIRVA	3 years 0 months 17 days
147.	Flu	SIRVA	3 years 0 months 19 days
148.	Flu/PCV	SIRVA	3 years 0 months 19 days
149.	Flu	SIRVA	3 years 0 months 2 days
150.	Flu	SIRVA	3 years 0 months 20 days
151.	Flu	SIRVA	3 years 0 months 20 days
152.	Flu	SIRVA	3 years 0 months 21 days
153.	Tdap	SIRVA	3 years 0 months 22 days
154.	Flu	SIRVA	3 years 0 months 23 days
155.	Flu	SIRVA	3 years 0 months 25 days
156.	Flu	SIRVA	3 years 0 months 25 days

Reporting Period: 8/16/23 – 2/15/24

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
157.	Tdap	SIRVA	3 years 0 months 26 days
158.	Flu	SIRVA	3 years 0 months 29 days
159.	Tdap	SIRVA	3 years 0 months 31 days
160.	Flu	SIRVA	3 years 0 months 6 days
161.	Flu	SIRVA	3 years 1 months 1 days
162.	Tdap	SIRVA	3 years 1 months 17 days
163.	Flu	SIRVA	3 years 1 months 26 days
164.	IPV/Hep A/DTaP	Encephalopathy	3 years 1 months 3 days
165.	Flu	SIRVA	3 years 1 months 6 days
166.	Flu	SIRVA	3 years 1 months 6 days
167.	Flu	SIRVA	3 years 1 months 6 days
168.	Flu	SIRVA	3 years 10 months 21 days

Reporting Period: 8/16/23 – 2/15/24

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
169.	Tdap	SIRVA	3 years 10 months 6 days
170.	Flu	SIRVA	3 years 2 months 1 days
171.	Flu	SIRVA	3 years 2 months 12 days
172.	Flu	GBS	3 years 2 months 5 days
173.	Flu	SIRVA	3 years 2 months 5 days
174.	Flu/PCV	SIRVA	3 years 3 months 8 days
175.	Flu	SIRVA	3 years 4 months 11 days
176.	Flu	SIRVA	3 years 5 months 24 days
177.	Tdap	CIDP	3 years 5 months 5 days
178.	Flu	CIDP	3 years 7 months 14 days
179.	Flu	SIRVA	3 years 7 months 9 days
180.	Tdap	SIRVA	3 years 8 months 1 days

Reporting Period: 8/16/23 – 2/15/24

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
181.	Tetanus	SIRVA	3 years 8 months 11 days
182.	HPV	Optic Neuritis	3 years 8 months 5 days
183.	PCV	SIRVA	3 years 9 months 1 days
184.	Flu	SIRVA	4 years 1 months 20 days
185.	Hep A	NMO/TM	4 years 11 months 31 days
186.	Flu	Polymyalgia Rheumatica	4 years 3 months 10 days
187.	Flu	GBS	4 years 3 months 15 days
188.	Flu	SIRVA	4 years 3 months 16 days
189.	Flu	GBS/CIDP	4 years 3 months 2 days
190.	Flu	CIDP	4 years 7 months 24 days
191.	Tdap	Interstitial Lung Disease	4 years 9 months 1 days
192.	Flu	Lichen Planus Pigmentosus/Dermatosis	5 years 0 months 19 days
	*Term	s of compensated settlements memorialized by Stipula	ation 30

Reporting Period: 8/16/23 – 2/15/24

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
193.	MMR/Tetanus/Flu	Right Ulnar Neuropathy and Paresthesia	5 years 0 months 21 days
194.	Flu	CIDP	5 years 3 months 8 days
195.	Flu	SIRVA	5 years 5 months 26 days
196.	DTaP/Hep B/IPV/HIB/PCV	ТМ	5 years 5 months 5 days
197.	Flu	Stiff Person Syndrome	5 years 8 months 28 days
198.	DTaP/Hep B/IPV/Hib/PCV/Rotavirus	Kawasaki Disease/Encephalopathy Seizure Disorder	5 years 9 months 30 days
199.	Flu	ТМ	6 years 0 months 20 days
200.	Flu	ТМ	6 years 0 months 21 days
201.	Flu	Shoulder Injury	6 years 0 months 4 days
202.	Tdap	Systemic Juvenile Arthritis	6 years 8 months 16 days
203.	Flu	MS	7 years 2 months 30 days

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

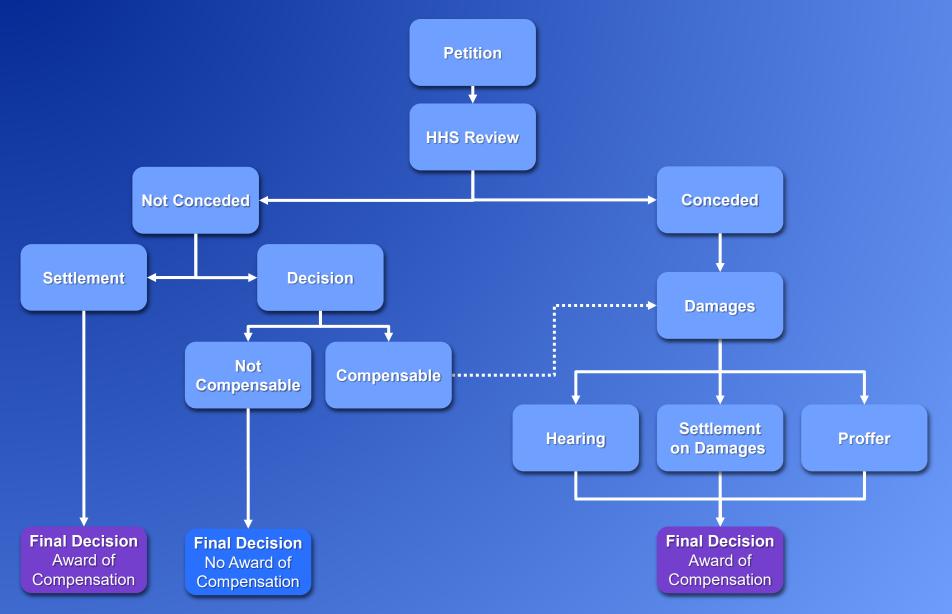
Affirmed: Case has been reviewed on appeal, and the court on appeal agreed with the decision of the lower court.

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



Appeals Process for Vaccine Act Cases

