



Report from the Department of Justice

September 7, 2023

Heather Pearlman

Deputy Director, Torts Branch

Statistics

Reporting Period: 2/16/23 – 8/15/23

Total Petitions Filed in the United States Court of Federal Claims this Reporting Period: 539

- **Involving Minors: 75**
- **Involving Adults: 464**

Statistics

Reporting Period: 2/16/23 – 8/15/23

Total Petitions Adjudicated this Reporting Period: 555

- **Cases Compensated: 458**
 - **Cases conceded by HHS: 217***
 - **Decisions awarding Damages: 30**
 - **Decisions adopting Proffer: 185**
 - **Decisions adopting Settlement: 2**
 - **Cases not conceded by HHS: 241**
 - **Decisions awarding Damages: 16**
 - **Decisions adopting Proffer: 21**
 - **Decisions adopting Settlement: 204**
- **Cases Not Compensated/Dismissed: 97**

*Conceded Injuries: SIRVA: 158; Flu/GBS: 50; Flu/Abscess 1, Tdap/Brachial Neuritis 1, Flu/Syncopal Episode 1, Tdap/Infected Inflammatory Granulomatous Lesion 1, Flu/CRPS 2, Tdap/Left Axillary Neuropathy 1, Tdap/Syncopal Episode 2

Statistics

Reporting Period: 2/16/23 – 8/15/23

Total Petitions Voluntarily Withdrawn this Reporting Period: 76

- No judgments are issued in withdrawn cases

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

Decided Cases

As of August 15, 2023

Appeals by Petitioner:

- *Dimasi v. HHS* (Entitlement): **Reversed-in-Part, Remanded**

Appeals by Respondent:

- *None currently*

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

Pending Cases

As of August 15, 2023

Appeals by Petitioner:

- *Cottingham v. HHS* (Attorneys' Fees/Costs)
- *Falzon v. HHS* (Entitlement)
- *Henkel v. HHS* (Entitlement)
- *Howard v. HHS* (Entitlement)
- *J.S. v. HHS* (Entitlement)
- *K.A. v. HHS* (Entitlement)
- *Kalajdzic v. HHS* (Entitlement)
- *Leming v. HHS* (Entitlement)

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

Pending Cases

As of August 15, 2023

Appeals by Petitioner (cont.):

- *Ling v. HHS* (Entitlement)
- *Rogers v. HHS* (Entitlement)
- *Sheller v. HHS* (Attorneys' Fees/Costs)
- *Winkler v. HHS* (Entitlement)
- *W.J. v. HHS* (Entitlement)

Appeals by Respondent:

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

Appeals: U.S. Court of Federal Claims

Decided Cases

As of August 15, 2023

Appeals by Petitioner:

- *Civatte v. HHS* (Damages): Vacated and Remanded
- *Fetters v. HHS* (Attorneys' Fees and Costs): Affirmed
- *Giannantonio v. HHS* (Entitlement): Affirmed
- *Henkel v. HHS* (Entitlement): Affirmed
- *Hodge v. HHS* (Entitlement): Vacated and Remanded
- *Howard v. HHS* (Entitlement): Affirmed
- *Huntoon v. HHS* (Entitlement): Affirmed
- *K.N. v. HHS* (Redaction): Affirmed-in-Part,
Reversed-in-Part

Appeals: U.S. Court of Federal Claims

Decided Cases

As of August 15, 2023

Appeals by Petitioner (cont.):

- **Levy v. HHS** (Attorneys' Fees and Costs): **Affirmed**
- **Martinez v. HHS** (Entitlement): **Affirmed**
- **M.R. v. HHS** (Entitlement): **Vacated and Remanded**
- **Rogers v. HHS** (Entitlement): **Affirmed**
- **Trollinger v. HHS** (Entitlement): **Affirmed**
- **Walters v. HHS** (Entitlement): **Affirmed**
- **Weaver v. HHS** (Entitlement): **Reversed-in-Part,
Vacated-in-Part, Remanded**
- **Woods v. HHS** (Entitlement): **Dismissed**

Appeals: U.S. Court of Federal Claims

Decided Cases

As of August 15, 2023

Appeals by Respondent:

- *Hinton v. HHS* (Entitlement): Affirmed
- *Mager v. HHS* (Entitlement): Affirmed
- *Stratton v. HHS* (Attorneys' Fees/Costs): Affirmed-in-Part,
Reversed-in-Part

Appeals: U.S. Court of Federal Claims

Pending Cases

As of August 15, 2023

Appeals by Petitioner:

- ***Bechel v. HHS*** (Entitlement)
- ***Bello v. HHS*** (Entitlement)
- ***Bossenbroek v. HHS*** (Damages)
- ***Cerrone v. HHS*** (Entitlement)
- ***Dennington v. HHS*** (Entitlement)
- ***Doles v. HHS*** (Entitlement)
- ***Druery v. HHS*** (Entitlement)
- ***Hodge v. HHS*** (Entitlement)

Appeals: U.S. Court of Federal Claims

Pending Cases

As of August 15, 2023

Appeals by Petitioner (cont.):

- **Larson v. HHS** (Entitlement)
- **Nieves v. HHS** (Entitlement)
- **Simeone v. HHS** (Entitlement)
- **White v. HHS** (Entitlement)

Appeals by Respondent:

- *None currently*

Scheduled Oral Arguments

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

- *None currently*

U.S. Court of Federal Claims:

- *None currently*

Adjudicated Settlements*

Reporting Period: 2/16/23 – 8/15/23

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
1.	Flu	GBS	0 years 9 months 30 days
2.	Flu	SIRVA	0 years 10 months 30 days
3.	Tdap	GBS	0 years 11 months 5 days
4.	Flu	GBS	1 year 0 months 26 days
5.	Flu	GBS	1 year 0 months 30 days
6.	Flu	Bell's Palsy	1 year 2 months 4 days
7.	Flu	GBS	1 year 2 months 9 days
8.	Flu	SIRVA	1 year 2 months 20 days
9.	Flu	GBS	1 year 2 months 30 days
10.	Flu	GBS	1 year 3 months 18 days
11.	Flu	SIRVA	1 year 4 months 21 days
12.	Flu	Brachial Neuritis	1 year 5 months 17 days

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 2/16/23 – 8/15/23

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
13.	Tdap	SIRVA	1 year 6 months 3 days
14.	Flu	GBS	1 year 6 months 29 days
15.	Tdap	SIRVA	1 year 7 months 1 days
16.	Varicella	Varicella Vaccine-Strain Viral Disease	1 year 7 months 2 days
17.	DTaP/PCV	Febrile Seizure	1 year 7 months 31 days
18.	Flu	GBS	1 year 8 months 3 days
19.	Flu	GBS	1 year 8 months 8 days
20.	Flu	SIRVA	1 year 8 months 21 days
21.	Flu	GBS	1 year 9 months 5 days
22.	Flu	SIRVA	1 year 9 months 12 days
23.	Flu	SIRVA	1 year 9 months 25 days
24.	Flu	GBS	1 year 9 months 29 days

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 2/16/23 – 8/15/23

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
25.	Flu	Transverse Myelitis	1 year 9 months 30 days
26.	Flu	GBS	1 year 10 months 14 days
27.	Flu	SIRVA	1 year 10 months 19 days
28.	Flu	SIRVA	1 year 11 months 10 days
29.	Flu	SIRVA	1 year 11 months 15 days
30.	Flu	Bell's Palsy	1 year 11 months 22 days
31.	Flu	Transverse Myelitis	1 year 11 months 29 days
32.	Flu	Brachial Neuritis	2 years 0 months 13 days
33.	Flu	SIRVA	2 years 0 months 13 days
34.	Tdap	SIRVA	2 years 0 months 16 days
35.	Flu	SIRVA	2 years 0 months 18 days
36.	Tdap	GBS	2 years 0 months 25 days

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 2/16/23 – 8/15/23

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
37.	Flu	SIRVA	2 years 0 months 25 days
38.	Tdap/Hep B	SIRVA	2 years 0 months 28 days
39.	Flu	SIRVA	2 years 1 months 4 days
40.	Flu	SIRVA	2 years 1 months 8 days
41.	Flu	SIRVA	2 years 1 months 22 days
42.	Flu	SIRVA	2 years 1 months 23 days
43.	Flu	SIRVA	2 years 1 months 24 days
44.	Tdap	SIRVA	2 years 1 months 26 days
45.	Flu	SIRVA	2 years 2 months 1 days
46.	Flu	SIRVA	2 years 2 months 5 days
47.	Flu	SIRVA	2 years 2 months 5 days
48.	Hep A	ITP	2 years 2 months 6 days

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 2/16/23 – 8/15/23

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
49.	Flu	SIRVA	2 years 2 months 11 days
50.	Flu	SIRVA	2 years 2 months 14 days
51.	Flu	SIRVA	2 years 2 months 14 days
52.	Flu/Hep A/Hep B	GBS	2 years 2 months 15 days
53.	Flu	SIRVA	2 years 2 months 18 days
54.	Flu	GBS	2 years 2 months 19 days
55.	Flu	SIRVA	2 years 2 months 20 days
56.	Flu	SIRVA	2 years 2 months 23 days
57.	Flu	SIRVA	2 years 2 months 27 days
58.	Tdap	SIRVA	2 years 2 months 28 days
59.	Flu	Transverse Myelitis	2 years 3 months 1 days
60.	Flu	SIRVA	2 years 3 months 2 days

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 2/16/23 – 8/15/23

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
61.	Flu	SIRVA	2 years 3 months 4 days
62.	Td	SIRVA	2 years 3 months 4 days
63.	Hep B	SIRVA	2 years 3 months 6 days
64.	Flu	SIRVA	2 years 3 months 6 days
65.	Flu	SIRVA	2 years 3 months 8 days
66.	Flu	SIRVA	2 years 3 months 10 days
67.	Flu	SIRVA	2 years 3 months 11 days
68.	Tdap	SIRVA	2 years 3 months 16 days
69.	Flu	SIRVA	2 years 3 months 18 days
70.	Flu	SIRVA	2 years 3 months 19 days
71.	Flu	SIRVA	2 years 3 months 19 days
72.	Flu	SIRVA	2 years 3 months 19 days

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 2/16/23 – 8/15/23

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
73.	Flu	SIRVA	2 years 3 months 20 days
74.	Tdap	SIRVA	2 years 3 months 20 days
75.	Tdap	SIRVA	2 years 3 months 21 days
76.	Flu	SIRVA	2 years 3 months 22 days
77.	Flu	GBS	2 years 3 months 27 days
78.	Flu	SIRVA	2 years 3 months 27 days
79.	Flu	SIRVA	2 years 3 months 27 days
80.	Flu	SIRVA	2 years 3 months 29 days
81.	Flu	SIRVA	2 years 3 months 29 days
82.	Flu	SIRVA	2 years 4 months 5 days
83.	PCV/Tdap	SIRVA	2 years 4 months 6 days
84.	Flu	SIRVA	2 years 4 months 7 days

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 2/16/23 – 8/15/23

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
85.	Flu	SIRVA	2 years 4 months 10 days
86.	Flu	SIRVA	2 years 4 months 10 days
87.	PCV/Tdap	GBS	2 years 4 months 14 days
88.	Flu	SIRVA	2 years 4 months 18 days
89.	Flu	SIRVA	2 years 4 months 18 days
90.	Flu	SIRVA	2 years 4 months 18 days
91.	Flu	SIRVA	2 years 4 months 21 days
92.	Tdap	SIRVA	2 years 4 months 24 days
93.	Flu	Dermatofibroma	2 years 4 months 24 days
94.	Flu	SIRVA	2 years 4 months 24 days
95.	Flu	SIRVA	2 years 4 months 26 days
96.	Flu	SIRVA	2 years 5 months 6 days

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 2/16/23 – 8/15/23

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
97.	PCV	SIRVA	2 years 5 months 7 days
98.	Flu	SIRVA	2 years 5 months 9 days
99.	Tdap	SIRVA	2 years 5 months 10 days
100.	Flu	SIRVA	2 years 5 months 10 days
101.	Tdap	Right Shoulder Neuropathy	2 years 5 months 11 days
102.	Flu	SIRVA	2 years 5 months 15 days
103.	Tdap	SIRVA	2 years 5 months 16 days
104.	Flu	SIRVA	2 years 5 months 17 days
105.	Tdap	SIRVA	2 years 5 months 17 days
106.	Flu	SIRVA	2 years 5 months 21 days
107.	Flu	SIRVA	2 years 5 months 25 days
108.	Flu	SIRVA	2 years 5 months 25 days

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 2/16/23 – 8/15/23

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
109.	Flu	SIRVA	2 years 5 months 29 days
110.	Flu	GBS	2 years 6 months 3 days
111.	Flu	SIRVA	2 years 6 months 5 days
112.	Flu	SIRVA	2 years 6 months 7 days
113.	Flu	SIRVA	2 years 6 months 8 days
114.	Flu	SIRVA	2 years 6 months 11 days
115.	Tdap	SIRVA	2 years 6 months 12 days
116.	Flu	SIRVA	2 years 6 months 12 days
117.	Flu	SIRVA	2 years 6 months 12 days
118.	Flu	SIRVA	2 years 6 months 13 days
119.	PCV	SIRVA	2 years 6 months 15 days
120.	Tdap	Brachial Neuritis	2 years 6 months 18 days

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 2/16/23 – 8/15/23

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
121.	Flu	SIRVA	2 years 6 months 18 days
122.	PCV	SIRVA	2 years 6 months 19 days
123.	Flu	SIRVA	2 years 6 months 20 days
124.	PCV/Flu	Unilateral Diaphragm Paralysis	2 years 6 months 22 days
125.	Td	SIRVA	2 years 6 months 23 days
126.	Tdap	SIRVA	2 years 6 months 23 days
127.	Flu	GBS	2 years 6 months 25 days
128.	Flu	SIRVA	2 years 6 months 25 days
129.	Flu	SIRVA	2 years 6 months 26 days
130.	Flu	SIRVA	2 years 6 months 27 days
131.	Flu	SIRVA	2 years 6 months 31 days
132.	Flu	SIRVA	2 years 7 months 1 days

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 2/16/23 – 8/15/23

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
133.	Flu	SIRVA	2 years 7 months 1 days
134.	Flu	SIRVA	2 years 7 months 3 days
135.	Flu	SIRVA	2 years 7 months 3 days
136.	Flu	SIRVA	2 years 7 months 9 days
137.	Tdap	SIRVA	2 years 7 months 9 days
138.	Tdap	SIRVA	2 years 7 months 18 days
139.	Flu	GBS	2 years 7 months 20 days
140.	Flu	SIRVA	2 years 7 months 29 days
141.	Flu	SIRVA	2 years 8 months 7 days
142.	Flu	GBS	2 years 8 months 17 days
143.	Flu	Lichen Planus Pigmentosus/Dermatitis	2 years 8 months 24 days
144.	Flu	SIRVA	2 years 9 months 1 days

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 2/16/23 – 8/15/23

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
145.	Flu	Brachial Plexopathy	2 years 9 months 6 days
146.	Flu	SIRVA	2 years 9 months 8 days
147.	Flu	SIRVA	2 years 9 months 13 days
148.	Flu	Transverse Myelitis	2 years 9 months 17 days
149.	Flu	GBS	2 years 10 months 3 days
150.	Flu	SIRVA	2 years 10 months 8 days
151.	Flu	SIRVA	2 years 10 months 9 days
152.	Tdap	SIRVA	2 years 10 months 15 days
153.	Flu	SIRVA	2 years 10 months 18 days
154.	Meningococcal	Anterior Uveitis	2 years 10 months 25 days
155.	Flu	SIRVA	2 years 10 months 30 days
156.	Tdap/MMR	SIRVA	2 years 11 months 4 days

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 2/16/23 – 8/15/23

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
157.	Tdap	SIRVA	2 years 11 months 5 days
158.	Flu	SIRVA	3 years 0 months 12 days
159.	Tetanus	SIRVA	3 years 1 months 5 days
160.	Flu	CIDP	3 years 1 months 7 days
161.	Flu	SIRVA	3 years 2 months 15 days
162.	Flu	SIRVA	3 years 2 months 24 days
163.	MMR/Flu	GBS	3 years 2 months 27 days
164.	Flu	SIRVA	3 years 3 months 28 days
165.	Hep A/MMR	SIRVA	3 years 4 months 23 days
166.	Flu	Optic Neuritis	3 years 6 months 1 days
167.	Tdap/Flu/PCV	Neuromyelitis Optica	3 years 6 months 7 days
168.	Flu	SIRVA	3 years 6 months 7 days

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 2/16/23 – 8/15/23

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
169.	Flu	Chronic Urticaria	3 years 6 months 17 days
170.	MMR/Flu	Acute Disseminated Encephalomyelitis	3 years 6 months 22 days
171.	DTaP/IPV/Hib/PCV/Hep B/Rotavirus	Encephalopathy	3 years 7 months 17 days
172.	Flu	SIRVA	3 years 8 months 2 days
173.	Flu	SIRVA	3 years 8 months 13 days
174.	Tdap	Small Fiber Neuropathy	3 years 8 months 20 days
175.	Flu	GBS	3 years 8 months 20 days
176.	Flu	SIRVA	3 years 8 months 23 days
177.	Flu	SIRVA	3 years 9 months 16 days
178.	Flu	SIRVA	3 years 9 months 18 days
179.	Flu	SIRVA	3 years 9 months 24 days
180.	Flu	CIDP	3 years 10 months 7 days

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 2/16/23 – 8/15/23

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
181.	Flu	Transverse Myelitis	3 years 10 months 28 days
182.	Flu	CIDP	3 years 11 months 2 days
183.	HPV/Meningococcal	POTS	3 years 11 months 6 days
184.	Tdap	Optic Neuritis	3 years 11 months 14 days
185.	Flu	GBS	4 years 0 months 3 days
186.	Tdap/Flu	SIRVA	4 years 0 months 7 days
187.	Flu	GBS	4 years 1 months 24 days
188.	Varicella/Tdap/MMR	CIDP	4 years 2 months 5 days
189.	Flu	GBS	4 years 2 months 15 days
190.	Flu	Transverse Myelitis	4 years 4 months 5 days
191.	Flu	Arthritis	4 years 4 months 17 days
192.	Flu	SIRVA	4 years 5 months 11 days

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 2/16/23 – 8/15/23

No.	Vaccine(s)	Alleged Injury(ies)	Total Time to Resolution
193.	Flu/PCV	Brachial Plexopathy	4 years 6 months 6 days
194.	Flu	Rheumatologic Injury	4 years 6 months 25 days
195.	Flu	Neuromyelitis Optica	4 years 8 months 4 days
196.	Flu	Brachial Neuritis	4 years 8 months 18 days
197.	Flu	Cerebellar Ataxia	4 years 10 months 9 days
198.	PCV	Eosinophilic Granulomatosis with Polyangitis	4 years 11 months 25 days
199.	Flu/Hep B	Transverse Myelitis	5 years 4 months 19 days
200.	Flu	Transverse Myelitis	5 years 5 months 12 days
201.	Flu	Parsonage-Turner Syndrome	5 years 8 months 20 days
202.	Flu	Transverse Myelitis	5 years 9 months 1 days
203.	Flu	SIRVA	5 years 10 months 18 days
204.	Flu	SIRVA	5 years 11 months 8 days

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 2/16/23 – 8/15/23[illegible]

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.

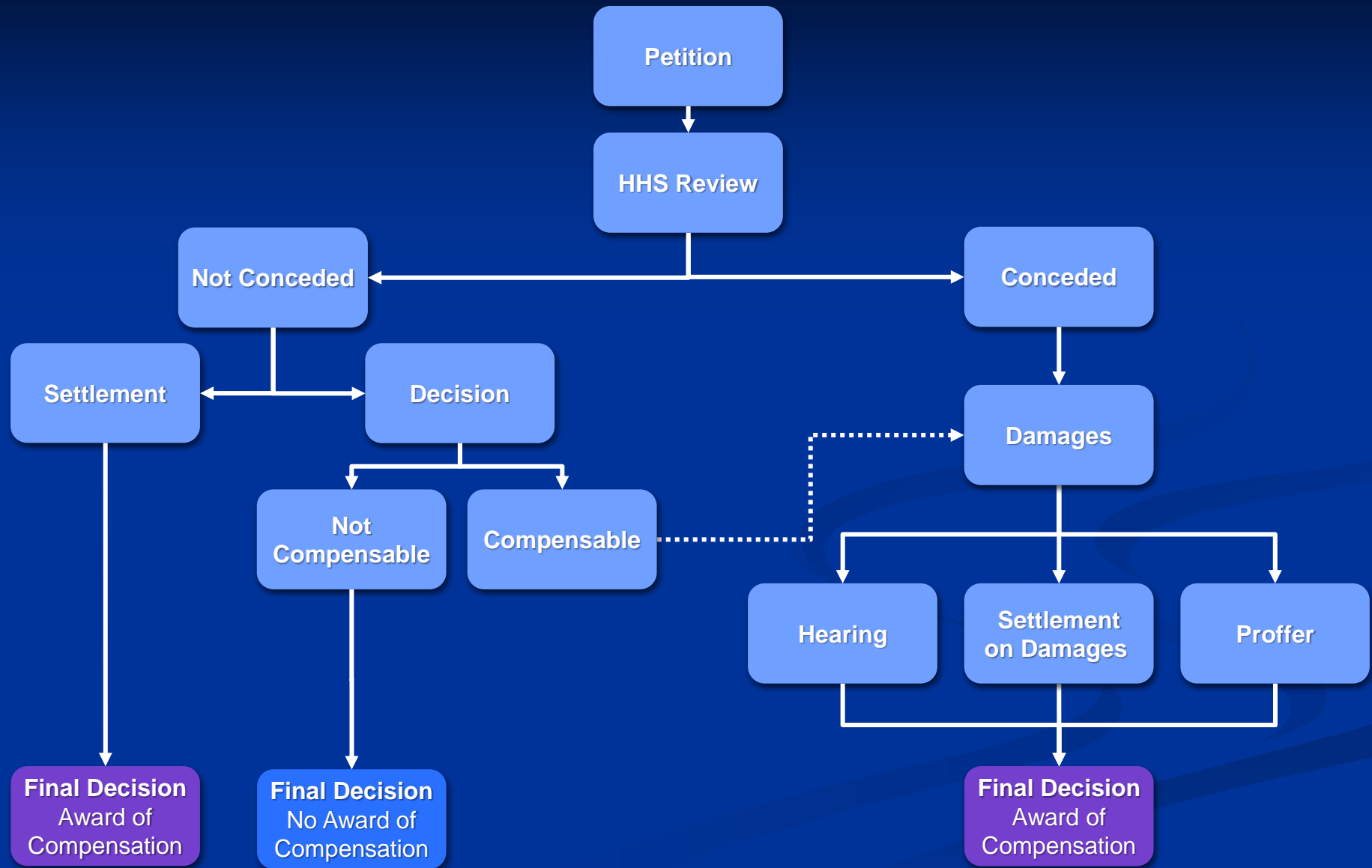
Glossary of Terms

- **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

