

U.S. Government Has 10-Year Backlog of COVID-19 Vaccine Injury Claims



It may take more than 10 years for someone injured by a COVID-19 vaccine to receive a decision on whether their claim is eligible for compensation by the government's vaccine compensation program—if they receive a response at all.

U.S. health officials responded to questions on America's failing vaccine injury compensation system in a hearing that left the vaccine-injured feeling like addressing the system's shortcomings is not a priority on Capitol Hill.

As of Jan. 1, there were [12,854 claims](#) filed for injuries caused by COVID-19 countermeasures with the government's Countermeasures Injury Compensation Program (CICP), including 9,600 related to injuries caused by COVID-19 vaccines. Of the 12,854 claims, 2,214 have been processed, but only 40 claims have been found eligible for compensation.

According to [testimony given](#) during a Feb. 15 hearing of the

Select Subcommittee on the Coronavirus Pandemic, there's a backlog of about 10,800 claims. With only 35 employees processing claims at a rate of 2.7 cases per employee per month, it will take about 10 years to process the remaining claims.

"I just don't think it's right. I think we need to streamline this process," Rep. Rich McCormick (R-Ga.) said during the hearing. "We need to speed up this process by about tenfold in order to do our job for the American people."

According to CACP data, as of Jan. 1, only 11 people have received compensation for their injuries out of 40 COVID-19 claims found eligible for compensation. The [average award](#) was a mere \$3,700, whereas the average payout under the National Vaccine Injury Compensation Program (VICP) that handles injuries caused by routine vaccines is \$490,000.

"If you die or get injured from a COVID-19 vaccine, your average payout is \$3,700," said Rep. Marjorie Taylor Greene (R-Ga.) to U.S. health officials during the hearing.

No Answers For Vaccine-Injured Community

The Select Subcommittee on the Coronavirus Pandemic met [to discuss](#) the federal government's post-marketing surveillance of COVID-19 vaccine safety and the process for adjudicating compensation claims in the first session of a multi-part hearing titled "[Assessing America's Vaccine Safety Systems, Part 1.](#)"

Witnesses at the hearing included Dr. Daniel Jernigan, director of the National Center for Emerging and Zoonotic Infectious Diseases at the Centers for Disease Control and Prevention (CDC), Dr. Peter Marks, director of the FDA's Center for Biologics Evaluation and Research, and Cmdr. George

Reed Grimes. [Dr. Grimes](#) is the director of the Division of Injury Compensation Programs for the Health Resources and Services Administration, the agency of the Department of Health and Human Services (HHS) that oversees both the CICIP and VICP.

Prior to the hearing, React19 and the COVID-19 vaccine-injured community were looking forward to Drs. Marks, Grimes, and Jernigan answering tough questions about the failings of the Vaccine Adverse Event Reporting System known as VAERS and the CICIP, according to co-chairman of React19 Dr. Joel Wallskog.

React19 is a science-based nonprofit offering financial, physical, and emotional support for more than 30,000 individuals suffering from long-term COVID-19 vaccine injuries.

Dr. Wallskog said the vaccine-injured community was “very disappointed” by the hearing, stating that most of the U.S. representatives used much of their allotted time during the hearing to “pontificate” instead of asking tough questions. The questions that were asked “failed to go into any needed detail,” with many representatives engaging in what he called nonconstructive partisan banter.

“There were no in-depth discussions of the failures of the vaccine safety monitoring systems and no discussions of remedies. There were no in-depth discussions of the obvious complete failure of the CICIP and no discussion of remedies,” Dr. Wallskog added.

“The testimonies of the witnesses were generic, as they have been in the past.” At one point, a representative “suggested that those injured by the COVID-19 shots were false positives,” which was “truly insulting,” he said.

In an online interview, [Dr. Wallskog](#) said he was a physically active, successful orthopedic surgeon forced to leave his practice after experiencing transverse myelitis from his one

and only Moderna vaccine. Prior to being vaccinated, Dr. Wallskog experienced an asymptomatic case of COVID-19 but followed CDC guidance and got vaccinated three months later, despite having antibodies indicative of natural immunity.

Dr. Wallskog filed a vaccine injury claim with the CICIP in May 2021, received a denial in November 2022, and appealed in December 2022. He has yet to receive a response to his appeal.

How the Vaccine Injury Compensation Program Works

The CICIP and VICP are the U.S. government's two systems for adjudicating and compensating vaccine-related injuries. However, only the CICIP accepts claims related to COVID-19 vaccines.

The CICIP was established by the 2005 Public Readiness and Emergency Preparedness (PREP) Act to [compensate individuals](#) who "sustain a covered serious physical injury or death as a direct result of the administration or use of a covered countermeasure," [including a vaccine](#), medication, device, or other item used to diagnose, prevent, mitigate, or treat during a pandemic or epidemic, and [provides immunity](#) for manufacturers for the harms caused by their products. People injured by a vaccine covered by the PREP Act can only seek compensation through the CICIP.

The VICP was established by the [National Childhood Vaccine Injury Act of 1986](#), based on the U.S. Supreme Court decision in [Russell Bruesewitz et al. v. Wyeth et al.](#) that gave vaccine manufacturers, doctors, and other vaccine administrators broad liability protections when a government recommended or mandated vaccine causes permanent injury or death.

The [VICP](#) covers injury claims related to 16 common vaccines and involves a unique, no-fault tribunal housed within the

U.S. Court of Federal Claims. Payouts, including attorneys fees and pain and suffering damages up to \$250,000, are funded by a 75-cent excise tax per vaccine dose paid for by the pharmaceutical companies. The VICP proceedings are [often drawn out](#) into contentious expert battles, and the backlog of cases is substantial. Yet the VICP to date has awarded more than \$5 billion for vaccine injuries.

It is much harder to get compensation under the CIRC. Of the 13,406 claims filed since the program's inception in 2010, only 0.3 percent of claims have been compensated. People who go through the CIRC do not have the protections afforded by the U.S. legal system and only have one year from the time of their injury to file a claim—even if they don't recognize they've been injured until after the one-year period has passed. There is no court, judge, or right to discovery under the CIRC. Unlike the VICP, decisions regarding compensation are administratively made by Dr. Grimes' team of 35 employees.

In establishing the CIRC, Congress defined the threshold that must be met for an individual to receive compensation. To be eligible for compensation, the covered countermeasure, such as a COVID-19 vaccine, must have directly caused the covered injury. It cannot just be "temporally associated" with receiving the countermeasure, and the determination is based on "compelling, reliable, valid, medical, and scientific evidence."

The CIRC only pays unreimbursed medical expenses, a portion of lost employment income, and a death benefit. In essence, it is a payer of last resort, covering only what remains unpaid or unpayable by other third parties, such as other government benefits, workers' compensation, or private insurance. Under the CIRC, there are no damages for pain and suffering or attorney fees.

Brianne Dressen, co-chairman of React19, filed a claim with the CIRC for her vaccine injury more than two years ago and,

like many others, has never received a response. Even so, with an average payout of only \$3,700, this doesn't go very far in helping with Dressen's medical expenses related to her injury, which, according to Rep. Greene, total more than \$433,000 a year.

Addressing Compensation Failures 'Is Not a Priority'

According to [Dr. Grimes](#), for COVID-19 vaccines to be added to the VICP's list of covered vaccines, they must be recommended by the CDC for routine administration in children and pregnant women, an excise tax must be imposed by Congress, and the secretary of HHS must provide a notice to add the vaccine to the VICP. The CDC currently recommends COVID-19 vaccines for children and pregnant women, but Congress has not taken action to impose the excise tax, nor has HHS Secretary Xavier Becerra issued a notice.

"There is no one who knows the failures of both of these programs better than those who stand to benefit or be harmed by them. That is us, the vaccine injured," Dressen said.

"While the white house earmarks \$10 billion for [COVID vaccine distribution](#) and vaccine confidence, the COVID vaccine injured have been paid \$41,000," Dressen said. "The numbers speak louder than any of these officials trying to tell us otherwise. Addressing the failures with vaccine injury compensation is not a priority on The Hill."

According to the latest VAERS data, [1,626,370](#) adverse events following COVID-19 vaccines were reported between Dec. 14, 2020, and Jan. 26, 2024. This includes [311,196](#) reports of serious injuries and [37,100](#) deaths.

"The COVID-19 vaccine-injured community continues to feel abandoned by our health care providers, health care systems,

and our federal regulatory agencies. We are dismissed, censored, and ridiculed. Our federal regulatory agencies are tasked with protecting the public. They have failed thousands of Americans injured by these shots,” Dr. Wallskog said.

Dr. Wallskog said React19 will continue to advocate for all Americans injured by COVID-19 vaccines, regardless of their political affiliations.

“React19 remains committed to giving the COVID-19 vaccine-injured community hope and healing despite this so-called hearing or investigation,” he added. “Rest assured, the COVID-19 shot-injured community should remain confident that React19 will stand with them until we get acknowledgment, adequate medical care, and just compensation.”