# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS No. 11-322V

(Not to be published<sup>1</sup>)

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	*	
, as Personal Representative	*	
of the Estate of	*	
	*	Filed: October 28, 2013
Petitioner,	*	,
	*	Decision by Stipulation; Damages;
v.	*	Influenza Vaccine; Transverse
	*	Myelitis (TM)
SECRETARY OF HEALTH AND	*	·
HUMAN SERVICES	*	
	*	
Respondent.	*	
	*	
* * * * * * * * * * * * * * * * * * * *	*	

#### **DECISION**

## HASTINGS, Special Master.

This is an action seeking an award under the National Vaccine Injury Compensation Program<sup>2</sup> on account of an injury suffered by the which eventually led to her death. On October 25, 2013, counsel for both parties filed a Stipulation, stipulating that a decision should be entered granting compensation. The parties have stipulated that petitioner shall receive the following compensation:

## Lump Sum

Respondent shall make a lump sum payment of \$235,000.00, in the form of a check payable to a separate payment, as Personal Representative of the Estate of a separate payment. This

<sup>&</sup>lt;sup>1</sup> Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). In accordance with Vaccine Rule 18(b), a party has 14 days to identify and move to delete medical or other information, that satisfies the criteria in § 300aa-12(d)(4)(B). Further, consistent with the rule requirement, a motion for redaction must include a proposed redacted decision. If, upon review, I agree that the identified material fits within the requirements of that provision, I will delete such material from public access.

<sup>&</sup>lt;sup>2</sup> The applicable statutory provisions defining the Program are found at 42 U.S.C. § 300aa-10 *et seq.* (2006 ed.). Hereinafter, for ease of citation, all "§" references will be to 42 U.S.C. (2006 ed.).

amount represents compensation for all damages that are available under 42 U.S.C. §300aa-15(a).

Under the statute governing the Program, as well as the "Vaccine Rules" adopted by this court, the special master must now enter a decision endorsing that stipulation, and the clerk must enter judgment, in order to authorize payment of the award. See § 300aa-12(d)(3)(A) and (e)(3); § 300aa-13(a); Vaccine Rules 10(a), 11(a).

I have reviewed the file, and based on that review, I conclude that the parties' stipulation appears to be an appropriate one. Accordingly, my decision is that a Program award shall be in the form of a lump sum payment, as provided above. In the absence of a timely-filed motion for review of this Decision, the clerk shall enter judgment in accordance herewith.

#### IT IS SO ORDERED.

/s/ George L. Hastings, Jr.
George L. Hastings, Jr.
Special Master

<sup>&</sup>lt;sup>3</sup> The "Vaccine Rules of the United States Court of Federal Claims" are found in Appendix B of the Rules of the United States Court of Federal Claims.