

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

██████████,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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No. 12-235V
Special Master Christian J. Moran

Filed: August 13, 2013

Entitlement, stipulation,
tetanus vaccine, demyelinating
condition

Isaiah Kalinowski, Maglio, Christopher & Toale, P.A., Washington, DC, for Petitioner;
Chrysovalantis P. Kefalas, U.S. Department of Justice, Washington, D.C., for Respondent.

UNPUBLISHED DECISION¹

On August 5, 2013, the parties filed a joint stipulation concerning the petition for compensation filed by ██████████, on April 11, 2012. In his petition, petitioner alleged that the tetanus vaccine, which is contained in the Vaccine Injury Table (the “Table”), 42 C.F.R. §100.3(a), and which he received on May 6, 2009, caused him to suffer a demyelinating condition. Petitioner further alleges that he suffered the residual effects of this injury for more than six months. Petitioner represents that there has been no prior award or settlement of a civil action for damages on his behalf as a result of her condition.

Respondent denies that the tetanus vaccine caused petitioner to suffer a demyelinating condition or any other injury.

Nevertheless, the parties agree to the joint stipulation, attached hereto as Appendix A. The undersigned finds said stipulation reasonable and adopts it as the decision of the Court in awarding damages, on the terms set forth therein.

¹ The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

Damages awarded in that stipulation include:

A lump sum payment of \$65,000.00 in the form of a check payable to [REDACTED]. This amount represents compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a).

In the absence of a motion for review filed pursuant to RCFC, Appendix B, the clerk is directed to enter judgment in case 12-235V according to this decision and the attached stipulation.²

Any questions may be directed to my law clerk, Mary Holmes, at (202) 357-6353.

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master

² Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.