

# In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 16-974V

Filed: December 6, 2017

Reissued: January 12, 2018<sup>1</sup>

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| ██████████,                                |
| Petitioner,                                |
| v.   |
| SECRETARY OF HEALTH AND<br>HUMAN SERVICES, |
| Respondent.                                |

Special Processing Unit (SPU);  
Damages Decision Based on Proffer;  
Influenza (Flu) Vaccine; Guillain-  
Barre Syndrome (GBS)

*Maximillian J. Muller, Muller Brazil, LLP, Dresher, PA, for petitioner.*

*Lisa Ann Watts, U.S. Department of Justice, Washington, DC, for respondent.*

## DECISION AWARDING DAMAGES<sup>2</sup>

**Dorsey**, Chief Special Master:

On August 10, 2016, petitioner filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,<sup>3</sup> (the “Vaccine Act”). Petitioner alleges that ██████ suffered Guillain-Barré syndrome (“GBS”) as a result of an influenza (“flu”) vaccine administered on September 23, 2015. Petition at ¶¶ 1-16. The case was assigned to the Special Processing Unit of the Office of Special Masters.

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<sup>1</sup> This reissued decision corrects a clerical error in the damaged awarded by the December 6, 2017 decision

<sup>2</sup> Because this unpublished decision contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

<sup>3</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

On August 3, 2017, a ruling on entitlement was issued, finding petitioner entitled to compensation for his GBS injury. On December 1, 2017, respondent filed a proffer on award of compensation ("Proffer"). Respondent proffers that, based upon her review of the evidence of record, petitioner should be awarded:

- A. A lump sum in the amount of \$269,910.66 in the form of a check payable to petitioner, [REDACTED];
- B. A lump sum payment of \$68,394.18, representing compensation for satisfaction of the State of [REDACTED] Medicaid lien; and
- C. An amount sufficient to purchase the annuity contract described in Proffer section II.C.

In the Proffer, respondent represented that petitioner agrees with the proffered award. Based on the record as a whole, the undersigned finds that petitioner is entitled to an award as stated in the Proffer.

Pursuant to the terms stated in the attached Proffer, **the undersigned awards petitioner:**

- A. A lump sum in the amount of \$269,910.66 in the form of a check payable to petitioner, [REDACTED];**
- B. A lump sum payment of \$68,394.18, representing compensation for satisfaction of the State of [REDACTED] Medicaid lien payable jointly to petitioner and**

**Division of Medical Assistance  
Office of the Controller**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Petitioner agrees to endorse this payment to the State of [REDACTED];  
and**

- C. An amount sufficient to purchase the annuity contract described in Proffer Section II.C.**

This amount represents compensation for all damages that would be available under § 300aa-15(a).

The clerk of the court is directed to enter judgment in accordance with this decision.<sup>4</sup> Pursuant to Vaccine Rule 36(c), all damages are to be calculated based on the date of the original judgment, December 7, 2017, ECF No. 42.

**IT IS SO ORDERED.**

**s/Nora Beth Dorsey**

Nora Beth Dorsey  
Chief Special Master

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<sup>4</sup> Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.