

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS**

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Petitioner,
v.

Stipulation; Influenza; Brachial Neuritis

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

Ramon Rodriguez, Esq., Rawls, McNelis & Mitchell, P.C., Richmond, VA, for petitioner.
Alexis Babcock, Esq., U.S. Dept. of Justice, Washington, DC, for respondent.

DECISION ON JOINT STIPULATION¹

Vowell, Special Master:

["petitioner"] filed a petition for compensation under the National Vaccine Injury Compensation Program² on . Petitioner alleges that he suffered from brachial neuritis and permanent neurological defects as a result of an influenza vaccination he received . He further alleges that he experienced residual effects of this injury for more than six months. See Stipulation, filed Feb. 8, 2013, at ¶¶ 2, 4. Respondent denies that petitioner’s alleged brachial

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims' website, in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 42 U.S.C. § 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.

² 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 (2006).

neuritis was caused-in-fact by his influenza vaccination and she denies that petitioner's vaccination caused any other injury or his current condition. Stipulation at ¶ 6. Nevertheless, the parties have agreed to settle the case.

On _____, the parties filed a joint stipulation agreeing to settle this case and describing the settlement terms. Respondent agrees to pay petitioner:

A lump sum of \$275,000.00 in the form of a check payable to petitioner, _____ . This amount represents compensation for all damages that would be available under § 300aa-15(a).

The special master adopts the parties' stipulation attached hereto, and awards compensation in the amount and on the terms set forth therein. In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment in accordance with this decision.³

IT IS SO ORDERED.

s/ Denise K. Vowell
Denise K. Vowell
Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each party filing a notice renouncing the right to seek review.