

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

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Petitioner,	*	Special Master Christian J. Moran
	*	
v.	*	
	*	
SECRETARY OF HEALTH	*	Stipulation; Tetanus-Diphtheria-
AND HUMAN SERVICES,	*	acellular Pertussis ("Tdap") vaccine,
	*	shoulder injury ("SIRVA").
Respondent.	*	
	*	

Elizabeth Muldowney, Rawls, McNelis & Mitchell, Richmond, VA, for Petitioner;
Michael Milmo, United States Dep't of Justice, Washington, DC, for Respondent.

UNPUBLISHED DECISION¹

On _____ respondent filed a joint stipulation concerning the petition for compensation filed by _____ In his petition, _____ alleged that the tetanus-diphtheria-acellular pertussis ("Tdap") vaccine, which is contained in the Vaccine Injury Table (the "Table"), 42 C.F.R. §100.3(a), and which he received on _____ caused him to suffer a shoulder injury related to vaccine administration ("SIRVA"). Petitioner further alleges that he experienced the residual effects of his 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 his condition.

The parties agreed that petitioner suffered a shoulder injury to vaccine administration ("SIRVA") from the administration of the Tdap vaccine. Likewise,

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 party has 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.

the parties agreed that there is not a preponderance of evidence demonstrating that petitioner's condition is due to a factor unrelated to his Tdap vaccination. The other elements of eligibility for compensation have also been established. See 42 U.S.C. § 300aa—11(c), 13. Consequently, the stipulation states "petitioner is entitled to compensation."

The parties have also agreed upon the amount of compensation to which the petitioner is entitled. The parties presented 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.

Damages awarded in that stipulation include:

**A lump sum of \$110,000.00 in the form of a check payable to petitioner,
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 according to this decision and the attached stipulation.²

Any questions may be directed to my law clerk, Marc Langston, at (202) 357-6392.

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.