

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; Trivalent Influenza
AND HUMAN SERVICES,	*	Vaccine; brachial plexopathy,
	*	brachial neuritis
Respondent.	*	

Elizabeth Muldowney, Rawls, McNeils & Mitchell, Richmond, VA, for Petitioner;
Vincent Matanoski, U.S. Department of Justice, Washington, DC, for Respondent.

UNPUBLISHED DECISION¹

On _____, respondent filed a joint stipulation concerning the petition for compensation filed by _____. In his petition, _____ alleges that he suffered from a brachial plexopathy or brachial neuritis as a result of receiving the trivalent influenza vaccine, which is contained in the Vaccine Injury Table (the "Table"), 42 C.F.R. §100.3(a), and which he received on _____ and that he experienced 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 his condition.

Respondent denies that the influenza immunization caused petitioner to suffer from brachial neuritis, brachial plexopathy, or any other injury or his current condition, and denies that petitioner experienced the residual effects of his injury for more than six months.

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.

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.

Damages awarded in that stipulation include:

**A lump sum of \$47,500.00 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, 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.