

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

**No.**

**Filed:**

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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 STIPULATION<sup>1</sup>**

**Vowell**, Special Master:

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

<sup>1</sup> Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims' website, in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.

<sup>2</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 (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.<sup>3</sup>

**IT IS SO ORDERED.**

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

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