

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS
No. 12-387V
Filed: December 11, 2012**

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Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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Damages Decision Based on Proffer;
Influenza; Neuralgic Amyotrophy;
Parsonage-Turner Syndrome

Anne C. Toale, Esq., Sarasota, FL, for petitioner.
Gordon E. Shemin, Esq., U.S. Dept. of Justice, Washington, DC, for respondent.

DECISION AWARDING DAMAGES¹

Vowell, Special Master:

On June 18, 2012, Linda Collier [“petitioner”] filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² [the “Vaccine Act” or “Program”]. Petitioner alleged that she suffered from Neuralgic Amyotrophy/Parsonage-Turner syndrome as a consequence of the influenza [“flu”] vaccine she received on December 1, 2011, and she further alleged that she experienced residual effects of this injury for more than six months. Pet. ¶¶ 1, 9. 11.

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims' website, in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, 116 Stat. 2899, 2913 (Dec. 17, 2002). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to delete medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, 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).

On November 26, 2012, following respondent's concession in her Rule 4(c) report that petitioner is entitled to compensation in this case, Respondent's Report, filed Nov. 21, 2012, at 5, I ruled that petitioner had established the statutory requirements for entitlement. Ruling on Entitlement at 2. In light of the parties' settlement negotiations, I did not issue a damages order.

On December 10, 2012, respondent filed a Proffer on Award of Compensation ["Proffer"] indicating the parties' agreement on the amount to which petitioner is entitled. Pursuant to the terms stated in the Proffer, **I award petitioner: a lump sum payment of \$80,000.00 in the form of a check payable to petitioner, [REDACTED]** representing 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.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.