



Report from the Department of Justice

March 8, 2018

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Statistics

Reporting Period: 11/16/17 – 2/15/18

- I. Total Petitions Filed in the United States Court of Federal Claims this reporting period: 272**
 - A. Minors: 26
 - B. Adults: 246

Statistics

Reporting Period: 11/16/17 – 2/15/18

II. Total Petitions Adjudicated this reporting period: 181

A. Compensated: 142

i. Cases conceded by HHS: 56

1. Decision awarding damages: 0
2. Decision adopting Proffer: 56
3. Decision adopting Settlement: 0

ii. Cases not conceded by HHS: 86

1. Decision awarding damages: 0
2. Decision adopting Proffer: 0
3. Decision adopting Settlement: 86

B. Not Compensated/Dismissed: 39

- i. Decision dismissing Non-OAP: 39
- ii. Decision dismissing OAP: 0

Statistics

Reporting Period: 11/16/17 – 2/15/18

III. Total Petitions Voluntarily Withdrawn this reporting period (no judgment will be issued): 4

Appeals: U.S. Court of Appeals for the Federal Circuit

Recently Decided Cases

None decided at this time

All decisions are available on the CAFC's website: <http://www.cafc.uscourts.gov>

Appeals: U.S. Court of Appeals for the Federal Circuit

Pending Cases

Appeals by Petitioner:

- *D'Tiole v. HHS*: (Entitlement)
- *Anderson v. HHS*: (Entitlement)
- *Oliver v. HHS*: (Entitlement)
- *Depena v. HHS*: (Entitlement)
- *Olson v. HHS*: (Entitlement)

*Yellow cases are new this reporting period

Appeals: U.S. Court of Federal Claims

Recently Decided Cases

Appeals by Petitioner:

- *Pless v. HHS* (Attys' Fees and Costs): Affirmed
- *Rogero v. HHS* (Entitlement OAP): Affirmed
- *Santacroce v. HHS* (Attys' Fees and Costs): Remanded
- *Clubb v. HHS* (Entitlement): Affirmed
- *Olson v. HHS* (Entitlement): Affirmed
- *McCollum v. HHS* (Entitlement): Affirmed
- *Kukreja v. HHS* (Attys' Fees and Costs): Affirmed in Part, Reversed in Part
- *Hirmiz v. HHS* (Attys' Fees and Costs): Affirmed in Part, Reversed in Part
- *Caron v. HHS* (Entitlement): Affirmed
- *Krakow v. HHS* (Attys' Fees and Costs): Affirmed
- *Fairchild v. HHS* (Loss of Future Earnings): Remanded
- *Domke v. HHS* (Attys' Fees and Costs): Remanded

All decisions are available on the CFC's website: <http://www.uscfc.uscourts.gov>

Appeals: U.S. Court of Federal Claims

Pending Cases

Appeals by Petitioner:

- *Greene v. HHS* (Entitlement)
- *Diedrich v. HHS* (Entitlement)
- *Bender v. HHS* (Entitlement)
- *Caruso v. HHS* (Entitlement)
- *Crespo v. HHS* (Attys' Fees and Costs)
- *Harrington v. HHS* (Entitlement)

*Yellow cases are new this reporting period

Appeals: U.S. Court of Federal Claims

Pending Cases (cont'd)

Appeals by Respondent:

- *Spahn v. HHS* (Attys' Fees and Costs)
- *McCulloch v. HHS* (Attys' Fees and Costs)
- *Amankwaa v. HHS* (Attys' Fees and Costs)
- *Boatmon v. HHS* (Entitlement)
- *Cottingham v. HHS* (Attys' Fees and Costs)
- *Fairchild v. HHS* (Interim Damages)
- *McIntosh v. HHS* (Attys' Fees and Costs)

*Yellow cases are new this reporting period

Scheduled Oral Arguments

U.S. Court of Appeals for the Federal Circuit:

- *D'Tiole v. HHS* (March 6, 2018)
- *Anderson v. HHS* (April 5, 2018)

U.S. Court of Federal Claims:

- *McCulloch v. HHS* (March 6, 2018)
- *McIntosh v. HHS* (March 22, 2018)

Adjudicated Settlements*

Reporting Period: 11/16/17 – 2/15/18

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
1. HPV; Tdap; Meningococcal Vaccine	Hodgkin's Lymphoma	6 years 7 months
2. Flu	Focal Onset Seizure Activity	5 years
3. TDaP	Head Injury	4 years 5 months
4. MMR; Varicella	Seizure Disorder	3 years
5. Hib	Acute Cerebellar Ataxia	3 years
6. Flu	GBS	3 years
7. Flu	CIDP	2 years 7 months
8. Flu	GBS; ADEM	2 years 6 months
9. Flu	TM	2 years 5 months
10. Flu	GBS	2 years 3 months
11. Flu	Brachial Neuritis	2 years 3 months

Adjudicated Settlements*

Reporting Period: 11/16/17 – 2/15/18

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
13. Flu	Thrombocytopenia Polymyositis	2 years 2 months
14. Flu	Menier's Disease	2 years 1 month
15. Flu	GBS	2 years 1 month
16. PCV	GBS	2 years
17. Flu	SIRVA	2 years
18. Flu	SIRVA	2 years
19. Tdap; Varicella Vaccine; Flu	Benign Cyst	1 year 8 months
20. Tdap	GBS; Bell's Palsy	1 year 8 months
21. Flu	Parsonage Turner Syndrome	1 year 8 months
22. Td	Brachial Neuritis; Parsonage Turner Syndrome	1 year 7 months
23. Td	SIRVA	1 year 6 months

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 11/16/17 – 2/15/18

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
24. Flu	GBS	1 year 6 months
25. Flu	GBS	1 year 6 months
26. Flu	SIRVA	1 year 6 months
27. Flu	GBS	1 year 6 months
28. Flu	GBS; CIDP	1 year 5 months
29. Tdap	GBS	1 year 5 months
30. Flu	TM	1 year 5 months
31. Flu	GBS	1 year 5 months
32. Tdap; Flu	Axillary Nerve Injury; SIRVA	1 year 4 months
33. Flu	SIRVA	1 year 4 months
34. Flu	SIRVA	1 year 4 months

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 11/16/17 – 2/15/18

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
35. MMR	Encephalitis	1 year 4 months
36. Flu	SIRVA	1 year 3 months
37. Flu	GBS	1 year 3 months
38. DtaP; MMR; Polio; Varicella	Reactive Inflammatory Arthritis	1 year 3 months
39. Tdap	SIRVA	1 year 3 months
40. Flu	Optic Neuritis	1 year 3 months
41. Flu	Cyst; Abscess	1 year 3 months
42. Flu	SIRVA	1 year 3 months
43. Flu	Parsonage Turner Syndrome	1 year 3 months
44. Flu	GBS	1 year 2 months
45. Flu	SIRVA	1 year 2 months

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Adjudicated Settlements*

Reporting Period: 11/16/17 – 2/15/18

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
46. Tdap	SIRVA	1 year 2 months
47. Flu	GBS	1 year 2 months
48. Flu	SIRVA	1 year 2 months
49. Flu	ADEM	1 year 2 months
50. TDaP; Flu	GBS	1 year 2 months
51. Flu	SIRVA	1 year 2 months
52. Flu	GBS; CIDP	1 year 2 months
53. Flu	SIRVA	1 year 2 months
54. Flu	SIRVA	1 year 2 months
55. Tdap	SIRVA	1 year 2 months
56. Flu	SIRVA	1 year 1 month

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 11/16/17 – 2/15/18

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
57. PCV	SIRVA	1 year 1 month
58. Flu	GBS	1 year 1 month
59. Flu	SIRVA	1 year 1 month
60. Tdap	SIRVA	1 year 1 month
61. Flu	SIRVA	1 year 1 month
62. Tdap	SIRVA	1 year 1 month
63. Flu	SIRVA	1 year 1 month
64. Tdap	SIRVA	1 year 1 month
65. Hep A; Hep B	Allergic Reaction	1 year
66. Flu	GBS	1 year
67. PCV	SIRVA	1 year

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 11/16/17 – 2/15/18

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
68. Flu	SIRVA	1 year
69. Flu	SIRVA	1 year
70. Flu	GBS	1 year
71. Flu	TM	1 year
72. Flu	GBS	1 year
73. Flu	GBS	1 year
74. Flu	SIRVA	1 year
75. Flu	SIRVA	1 year
76. Hep A; Hep B; Tetanus	SIRVA	1 year
77. Flu	SIRVA	9 months
78. Flu; Tdap	TM	9 months

*Terms of compensated settlements memorialized by Stipulation

Adjudicated Settlements*

Reporting Period: 11/16/17 – 2/15/18

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
79. Flu	SIRVA	9 months
80. Flu	GBS	9 months
81. Flu	SIRVA	9 months
82. PCV	SIRVA	9 months
83. Flu	SIRVA	8 months
84. Flu	SIRVA	8 months
85. Flu	SIRVA	8 months
86. Flu	SIRVA	7 months
*Terms of compensated settlements memorialized by Stipulation		

Appendix

Glossary of Terms

- **Petitions Adjudicated:** Final judgment has entered on the petition in the United States Court of Federal Claims.
- **Final Judgment:** Clerk of Court, United States Court of Federal Claims, enters judgment awarding or denying compensation.
- **Compensable:** Petitioner received an award of compensation, which can be achieved through a concession by HHS, settlement, or decision on the merits by the special master, United States Court of Federal Claims.
- **Conceded by HHS:** HHS concluded that a petition should be compensated based on review and analysis of the medical records.

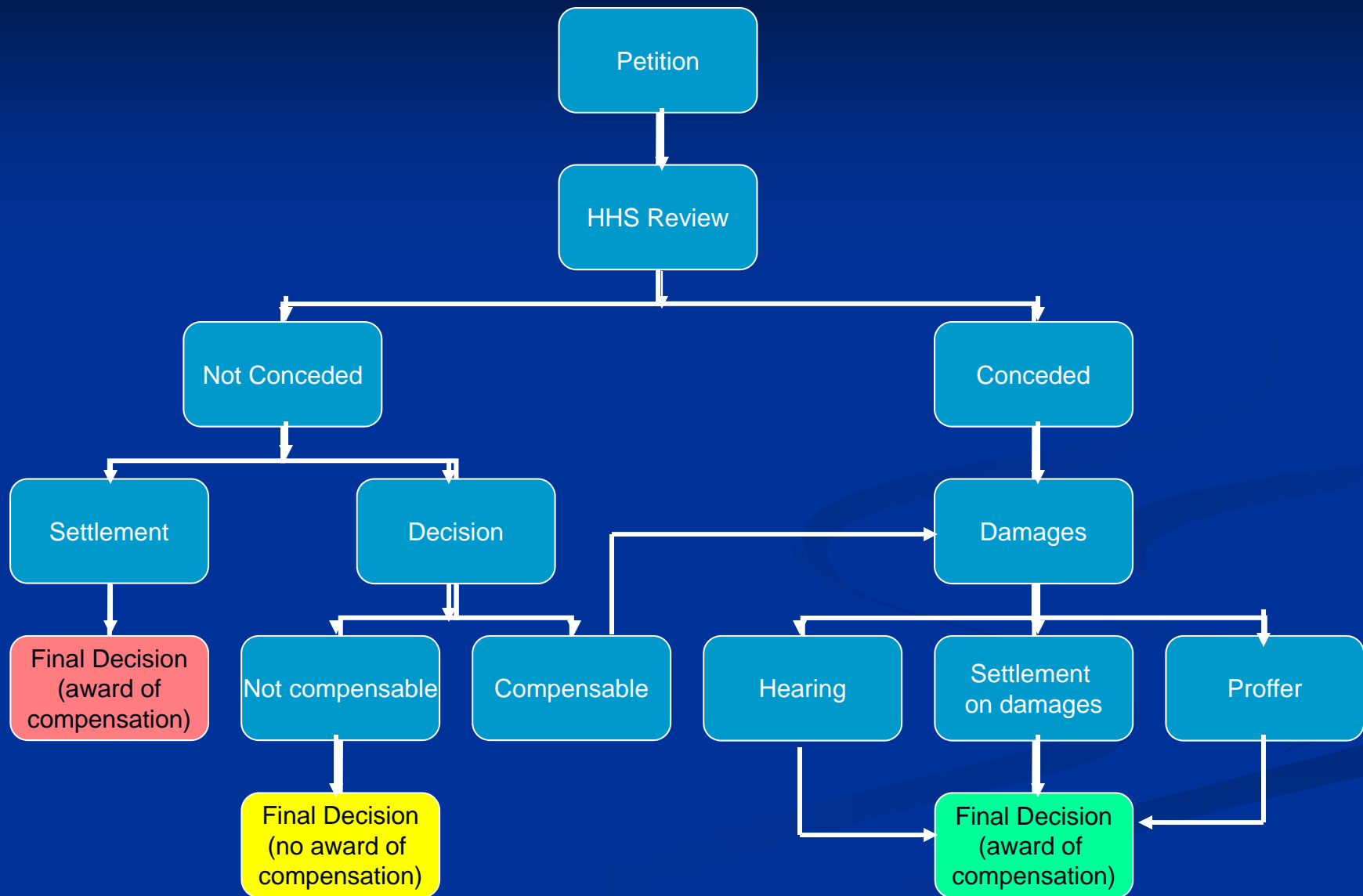
Glossary of Terms

- **Settlement:** Petition is resolved via a negotiated settlement between the parties, and results in the filing of a stipulation that memorializes the terms of the settlement.
- **Decision:** Special Master issues decision on the merits of the petition.
- **Non-compensable/Dismissed:** Petition dismissed.
- **Proffer:** After discussions between the parties regarding a reasonable amount of damages, respondent will file a suggested award of compensation, known within the Program as a “Proffer,” which is also agreed to by petitioners and their counsel. The Proffer is reviewed by the presiding special master to determine that it represents a reasonable measure of the amount of the award and describes compensation pursuant to 42 U.S.C. § 300aa-15(a). The special master issues a final decision consistent with the terms of the Proffer.

Glossary of Terms

- **Affirmed:** Case has been reviewed on appeal, and the court on appeal agreed with the decision of the lower court.
- **Reversed:** Case has been reviewed on appeal, and the court on appeal disagreed with the decision of the lower court. The court on appeal typically provides reasons for reversing, and that decision becomes the law of the case, absent further appeal.
- **Remanded:** Case has been reviewed on appeal, and the reviewing court has a problem with the decision, and sends it back to the lower court. Typically, a case is remanded with a specific question or issue for the lower court to address.
- **Vacated:** Case has been reviewed on appeal, and the reviewing court has voided the lower court's decision.

Petition Processing in the Office of Special Masters



Levels of Appeal in Vaccine Act Cases

U.S. Supreme Court

U.S. Court of Appeals for the
Federal Circuit

U.S. Court of Federal Claims

Office of Special Masters

Appeals Process

