

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 13-209V

(E-Filed: June 2, 2014)

* * * * *		
MONA MARIE TROUP,	*	UNPUBLISHED
	*	
	*	
Petitioner,	*	Special Master
	*	Hamilton-Fieldman
v.	*	
	*	Tetanus-Diphtheria-Acellular
SECRETARY OF HEALTH AND	*	Pertussis (“Tdap”) Vaccine;
HUMAN SERVICES,	*	Brachial Neuritis; Decision;
	*	Proffer.
Respondent.	*	.
* * * * *		

Kelly D. Burdette, Burkett & Burdette, Seattle, WA, for Petitioner.

Melonie J. McCall, U.S. Department of Justice, Washington, DC, for Respondent.

### **DECISION AWARDING DAMAGES<sup>1</sup>**

On March 25, 2013, Petitioner, Mona Marie Troup, filed a petition seeking compensation under the National Vaccine Injury Compensation Program (“the Vaccine Program”). Petitioner alleged that she was injured by the administration of a tetanus-diphtheria-acellular pertussis (“Tdap”) vaccination administered on February 8, 2012, and that she thereafter suffered left arm brachial neuritis and left arm pain. Petitioner

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<sup>1</sup> Because this unpublished decision contains a reasoned explanation for the undersigned’s action in this case, the undersigned intends to post this decision on the United States Court of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)). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction “of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy.” Otherwise, “the entire” decision will be available to the public. *Id.*

alleged that this condition was caused-in-fact her receipt of the Tdap vaccination.<sup>2</sup>

The parties agreed and submitted in a proffer, filed on June 2, 2014, that based on the evidence of record, Petitioner should be awarded \$77,336.04. This amount represents all elements of compensation to which Petitioner would be entitled under 42 U.S.C. §300aa-15(a)(1); 15(a)(3)(B); and 15(a)(4).

The undersigned finds said proffer reasonable and adopts it as the decision of the Court in awarding damages, on the terms set forth therein.

The proffer awards:

A lump sum of \$77,336.04, in the form of a check payable to Petitioner, Mona Marie Troup. This amount represents all damages available under 42 U.S.C. §300aa-15(a) to which Petitioner would be entitled.

Proffer Section II.

The undersigned approves the requested amounts for Petitioner's compensation. In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment herewith.<sup>3</sup>

**IT IS SO ORDERED.**

s/Lisa D. Hamilton-Fieldman  
Lisa D. Hamilton-Fieldman  
Special Master

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<sup>2</sup> The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C.A. § 300aa-10-§ 300aa-34 (West 1991 & Supp. 2002) (Vaccine Act or the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

<sup>3</sup> Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.

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

MONA MARIE TROUP,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 13-209V
	)	Special Master
	)	Lisa Hamilton-Fieldman
SECRETARY OF HEALTH AND HUMAN SERVICES,	)	
	)	
	)	
Respondent.	)	
	)	

**RESPONDENT’S PROFFER ON AWARD OF COMPENSATION**

On December 30, 2013, the Secretary of Health and Human Services, hereinafter, “respondent,” filed a Rule 4(c) Report conceding entitlement in the above-captioned matter. Respondent hereby submits the following proffer on damages.

**I. Compensation for Vaccine Injury-Related Items**

Respondent proffers that, based on the evidence of record, petitioner should be awarded \$77,336.04. This amount represents all elements of compensation to which petitioner would be entitled under 42 U.S.C. § 300aa-15(a)(1); 15(a)(3)(B); and §15(a)(4). Petitioner agrees.

**II. Form of the Award**

The parties recommend that the compensation provided to petitioner should be made through a lump sum payment as described below, and request that the special master’s decision and the Court’s judgment award the following:<sup>1</sup>

- A. A lump sum payment of \$ \$77,336.04 in the form of a check payable to petitioner, Mona Marie Troup. This amount accounts for all elements of compensation under 42 U.S.C. § 300aa-15(a) to which petitioner would be entitled.

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<sup>1</sup> Should petitioner die prior to entry of judgment, the parties reserve the right to move the Court for appropriate relief. In particular, respondent would oppose any award for future medical expenses and future pain and suffering.

Petitioner is a competent adult. Evidence of guardianship is not required in this case.

Respectfully submitted,

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s/Melonie J. McCall  
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DATED: June 2, 2014