In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

MATTHEW GORSKI,	*	
	*	No. 13-224V
Petitioner,	*	Special Master Christian J. Moran
	*	
v.	*	Filed: January 22, 2014
	*	
SECRETARY OF HEALTH AND HUMAN SERVICES,	*	Damages; decision based on proffer; influenza vaccination; radial nerve injury.
	*	
Respondent.	*	

Anne Carrion Toale, Maglio Christopher and Toale, Sarasota, FL, for Petitioner;
Ann Donohue Martin, U.S. Department of Justice, Washington, DC, for Respondent.

UNPUBLISHED DECISION AWARDING DAMAGES[1]

On March 29, 2013, Matthew Gorski filed a petition seeking compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §§ 300aa-1 et seq., alleging that the influenza ("flu") vaccine that he received on October 22, 2010, caused him to suffer a radial nerve injury. On October 28, 2013, the undersigned found that Mr. Gorski is entitled to compensation under the Vaccine Act. See Decision, issued Oct. 28, 2013.

On January 3, 2014, respondent filed a Proffer on Award of Compensation, which petitioner agrees to. Based upon the record as a whole, the special master finds the proffer reasonable and that petitioner is entitled to an award as stated in the proffer, attached hereto as "Appendix A." The court awards petitioner:

[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.

A lump sum payment of $100,000.00 in the form of a check payable to petitioner, Matthew Gorski. This amount represents compensation for all damages that would be available under 42 U.S.C. §300aa-l 5(a).

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.

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

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

MATTHEW GORSKI, Petitioner, v. SECRETARY OF HEALTH AND HUMAN SERVICES, Respondent.	)	No. 13-224V Special Master Moran ECF

RESPONDENT'S PROFFER ON AWARD OF COMPENSATION

I. Items of Compensation

Based upon the evidence of record, respondent proffers that petitioner should be awarded $100,000.00, which represents all elements of compensation to which petitioner would be entitled under 42 U.S.C. § 300aa-15(a). Petitioner agrees.

II. Form of the Award

The parties recommend that the compensation provided to petitioner should be made through a lump sum payment of $100,000.00 in the form of a check payable to petitioner. Petitioner agrees.

Respectfully submitted,

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Assistant Attorney General

RUPA BHATTACHARYYA
Director
Torts Branch, Civil Division

VINCENT J. MATANOSKI
Deputy Director
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s/ ANN D. MARTIN
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DATED: January 3, 2014