

actual and projected pain and suffering; \$56,481.53 in past unreimbursable expenses; and \$712.51 in past lost wages.⁴ Proffer at 1. In the Proffer, respondent represented that petitioner agrees with the proffered award. Based on the record as a whole, the undersigned finds that petitioner is entitled to an award as stated in the Proffer.

Pursuant to the terms stated in the attached Proffer, **the undersigned awards petitioner a lump sum payment of \$182,194.04 in the form of a check payable to petitioner, Juanita Messick.** This amount represents 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.⁵

IT IS SO ORDERED.

s/Nora Beth Dorsey
Nora Beth Dorsey
Chief Special Master

⁴ The parties agree that based upon the evidence of record, petitioner's vaccine-related injury has not impaired her future earning capacity. Therefore no lost future earnings are awarded. Proffer at 1-2.

⁵ Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.

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

JUANITA MESSICK,)	
)	
Petitioner,)	
)	
v.)	No. 15-1305
)	Chief Special Master Dorsey
SECRETARY OF HEALTH AND)	
HUMAN SERVICES,)	
)	
Respondent.)	

RESPONDENT’S PROFFER OF DAMAGES

I. Items of Compensation

For the purposes of this proffer, the term “vaccine-related” is as described in Respondent’s Rule 4(c) Report filed on January 15, 2016.

A. Pain and Suffering

Respondent proffers that petitioner should be awarded \$125,000.00 in actual and projected pain and suffering. This amount reflects that the award for projected pain and suffering has been reduced to net present value. *See* 42 U.S.C. § 300aa-15(a)(4). Petitioner agrees.

B. Past Unreimbursable Expenses

Respondent proffers that petitioner should be awarded \$56,481.53 in past unreimbursable expenses related to her vaccine-related injury. Petitioner agrees.

C. Lost Wages

Respondent proffers that petitioner should be awarded \$712.51 in past lost wages due to her vaccine-related injury. The parties agree that based upon the evidence of record, petitioner’s vaccine-related injury has not impaired her future earning capacity. Therefore, respondent

proffers that petitioner should be awarded no lost future earnings as provided under the Vaccine Act, 42 U.S.C. § 300aa-15(a)(3)(A). Petitioner agrees.

II. Form of the Award

The parties recommend that compensation provided to petitioner should be made through a lump sum payment as described below and request that the Chief Special Master's decision and the Court's judgment award the following:¹

A lump sum payment of \$182,194.04, which represents all elements of compensation to which petitioner would be entitled under 42 U.S.C. § 300aa-15(a), in the form of a check payable to petitioner.

Respectfully submitted,

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Dated: May 10, 2016

¹ 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.