

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 18-1409V

Filed: October 4, 2019

UNPUBLISHED

MOHAMED MOHAMED, Administrator
of the ESTATE OF SALAH HAMAD,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Special Processing Unit (SPU);
Damages Decision Based on Proffer;
Influenza (Flu) Vaccine; Guillain-
Barre Syndrome (GBS)

*Clifford John Shoemaker, Shoemaker, Gentry, & Knickelbein, Vienna, VA, for petitioner.
Darryl R. Wishard, U.S. Department of Justice, Washington, DC, for respondent.*

DECISION AWARDING DAMAGES¹

Corcoran, Chief Special Master:

On September 14, 2018, petitioner, as administrator for the estate of his father, Salah Hamad, filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,² (the “Vaccine Act”). Petitioner alleges that his father suffered Guillain-Barré Syndrome (GBS) after receiving an influenza vaccination on December 23, 2017, which resulted in his death on April 17, 2018. Petition at ¶¶ 2, 8. The case was assigned to the Special Processing Unit of the Office of Special Masters.

¹ The undersigned intends to post this decision on the United States Court of Federal Claims' website. **This means the decision will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access. Because this unpublished decision contains a reasoned explanation for the action in this case, undersigned is required to post it on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services).

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 (2012).

On July 30, 2019, a ruling on entitlement was issued, finding petitioner entitled to compensation for his GBS. On October 4, 2019, respondent filed a proffer on award of compensation ("Proffer") indicating petitioner should be awarded \$474,574.44, representing \$250,000.00 for the death benefit; \$215,000.00 for pain and suffering; and \$9,574.44 for unreimbursable expenses. Proffer at 2. In the Proffer, respondent represented that petitioner agrees with the proffered award. *Id.* 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 \$474,574.44, representing \$250,000.00 for the death benefit; \$215,000.00 for pain and suffering; and \$9,574.44 for unreimbursable expenses in the form of a check payable to petitioner.** This amount represents compensation for all damages that would be available under § 15(a).

The clerk of the court is directed to enter judgment in accordance with this decision.³

IT IS SO ORDERED.

s/Brian H. Corcoran
Brian H. Corcoran
Chief Special Master

³ 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.

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| MOHAMED MOHAMED, Administrator |) | |
| of the Estate of SALAH HAMAD, |) | |
| |) | |
| Petitioner, |) | No. 18-1409V ECF |
| |) | |
| v. |) | Chief Special Master Corcoran |
| |) | |
| SECRETARY OF HEALTH |) | |
| AND HUMAN SERVICES, |) | |
| |) | |
| Respondent. |) | |
| |) | |

I. Procedural History

On July 19, 2019, respondent filed his Rule 4(c) report, conceding that the decedent's injury meets the Table criteria for GBS after a flu vaccination. On July 30, 2019, the Special Master ruled that petitioner was entitled to compensation.

¹ This Proffer does not include attorneys' fees and costs, which the parties intend to address after the Damages Decision is issued.

II. Items of Compensation

Based upon the evidence, respondent proffers that petitioner should be awarded a lump sum of **\$474,574.44** (\$250,000.00 for the death benefit; \$215,000.00 for pain and suffering; \$9,574.44 for unreimbursed expenses). This amount represents all elements of compensation to which petitioner would be entitled under 42 U.S.C. § 300aa-15(a). Petitioner agrees.

III. Form of the Award

Respondent recommends that compensation be awarded to petitioner in the amount of **\$474,574.44**, in the form of a check payable to petitioner. Petitioner agrees.

Respectfully submitted,

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Dated: October 4, 2019