

In her Rule 4(c) report, filed on June 24, 2014, Respondent stated that the Division of Vaccine Injury Compensation, Department of Health and Human Services, had reviewed the facts of this case and concluded that “when faced with similar evidence in the past, some special masters have found such evidence sufficient to satisfy petitioners’ burden of proving causation.” The report indicated that Respondent therefore determined that “she will not further defend entitlement in this case.” During a status conference on September 30, 2014, Respondent reiterated that it was her intention to concede entitlement in this case. In view of Respondent’s concession, and based on my own review of the record, I issued a ruling that same day finding that Petitioner had established that he was entitled to compensation for the injury.

On April 1, 2015, Respondent filed a proffer proposing an award of compensation. I have reviewed the file, and based upon that review I conclude that the Respondent’s proffer (as attached hereto) is reasonable. I therefore adopt it as my decision in awarding damages on the terms set forth therein.

The proffer awards:

- A lump sum payment of \$157,563.00 in the form of a check payable to Petitioner.

This amount represents compensation for all elements of compensation under 42 U.S.C. § 300aa-15(a) to which Petitioner is entitled. Proffer at 1.

I approve a Vaccine Program award in the requested amounts set forth above to be made to Petitioner. 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.³

IT IS SO ORDERED.

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

³ Pursuant to Vaccine Rule 11(a), the parties may expedite entry of judgment by each filing (either jointly or separately) a notice renouncing their right to seek review.

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

AUSTIN DIXON,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

No. 13-22V

Special Master Brian Corcoran
ECF

RESPONDENT'S PROFFER ON AWARD OF COMPENSATION

On June 24, 2014, respondent filed her Rule 4(c) Report, in which she requested that the court rule on the record as it then stood. On September 30, 2014, the Court issued a Ruling Finding Entitlement, finding that petitioner is entitled to compensation. Respondent now proffers that petitioner receive an award of a lump sum of **\$157,563.00** in the form of a check payable to petitioner. This amount represents compensation for all elements of compensation under 42 U.S.C. § 300aa-15(a) to which petitioner is entitled. This proffer does not address final attorneys' fees and litigation costs. Petitioner is additionally entitled to reasonable attorneys' fees and litigation costs, to be determined at a later date upon petitioner submitting substantiating documentation.

Petitioner agrees with the proffered award of \$157,563.00.

Respectfully submitted,

BENJAMIN C. MIZER
Acting Assistant Attorney General

RUPA BHATTACHARYYA
Director
Torts Branch, Civil Division

VINCENT J. MATANOSKI
Deputy Director
Torts Branch, Civil Division

VORIS E. JOHNSON, JR.
Assistant Director
Torts Branch, Civil Division

s/ RYAN D. PYLES
RYAN D. PYLES
Trial Attorney
Torts Branch, Civil Division
U.S. Department of Justice
P.O. Box 146
Benjamin Franklin Station
Washington, DC 20044-0146
Tel: (202) 616-9847

Dated: April 1, 2015