



(\$125,000.00), and past unreimbursable expenses (\$10,584.00), in the form of a check payable to petitioner, Janet Buksa.

These amounts represent 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.<sup>3</sup>

**IT IS SO ORDERED.**

**s/Mindy Michaels Roth**  
Mindy Michaels Roth  
Special Master

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<sup>3</sup> Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each party filing a notice renouncing the right to seek review.

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

_____	)	
JANET BUKSA,	)	
	)	
Petitioner,	)	
	)	<b>No. 13-795V</b>
v.	)	<b>Special Master Roth</b>
	)	<b>ECF</b>
SECRETARY OF HEALTH AND	)	
HUMAN SERVICES,	)	
	)	
Respondent.	)	
_____	)	

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

**I. Items of Compensation**

A. Future Medical Care Expenses

Respondent proffers that based on the evidence of record, petitioner is entitled to an award for projected unreimbursable medical care expenses in the amount of \$98,485.68 as provided under 42 U.S.C. § 300aa-15(a)(1)(A). Petitioner agrees.

B. Lost Earnings

The parties agree that based upon the evidence of record, Janet Buksa has suffered a past loss of earnings in the amount of \$33,044.00, and will suffer a future loss of earnings in the amount of \$176,171.14 as a result of her vaccine-related injury. Therefore, respondent proffers that the Court should award Janet Buksa a lump sum of \$209,215.14 for her lost earnings as provided under the Vaccine Act, 42 U.S.C. § 300aa-15(a)(3)(A). Petitioner agrees.

C. Pain and Suffering

Respondent proffers that the Court should award Janet Buksa a lump sum of \$125,000.00 for her 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 § 300aa-15(a)(4). Petitioner agrees.

D. Past Unreimbursable Expenses

Evidence supplied by petitioner documents Janet Buksa's expenditure of past unreimbursable expenses as a result of her vaccine-related injury. Respondent proffers that the Court should award Janet Buksa a lump sum of \$10,584.00 for past unreimbursable expenses as provided under the Vaccine Act, 42 U.S.C. § 300aa-15(a)(1)(A). Petitioner agrees.

E. Medicaid Lien

Petitioner represents that there are no outstanding Medicaid liens related to her vaccine-related injury.

**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 lump sum payment of \$443,284.82, representing compensation for future medical care expenses (\$98,485.68), lost earnings (\$209,215.14), pain and suffering (\$125,000.00), and past unreimbursable expenses (\$10,584.00), in the form of a check payable to petitioner, Janet Buksa.

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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, future pain and suffering, and future wage loss.

**III. Summary of Recommended Payment Following Judgment**

Lump sum payable to petitioner: **\$443,284.82**

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