

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 14-551V

Filed: March 11, 2015

* * * * *

KETLEEN DORMEUS, *

Petitioner, *

v. *

SECRETARY OF HEALTH AND HUMAN SERVICES, *

Respondent. *

* * * * *

Robert Land, Philadelphia, PA, for Petitioner.

Traci Patton, United States Department of Justice, Washington, D.C., for Respondent.

UNPUBLISHED

Special Master Hamilton-Fieldman

Decision on Proffer; Damages; Diphtheria-Pertussis-Tetanus (“DPT”) Vaccine; Shoulder Injury Related to Vaccine Administration (“SIRVA”).

DECISION AWARDING DAMAGES¹

On June 27, 2014, Ketleen Dormeus (“Petitioner”) filed a petition for compensation under the National Vaccine Injury Compensation Program (“the Program”).² Petitioner alleged that a diphtheria-pertussis-tetanus (“DPT”) vaccination she received on November 21, 2010 caused her to suffer from bursitis and adhesive capsulitis. On January 9, 2015, the undersigned ruled that Petitioner was entitled to compensation for her injury.

¹ Because this decision contains a reasoned explanation for the undersigned’s action in this case, the undersigned intends to post this ruling on the website of the United States Court of Federal Claims, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction “of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy.” Vaccine Rule 18(b).

² The Program comprises Part 2 of the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. §§ 300aa-10 *et seq.* (hereinafter “Vaccine Act” or “the Act”). Hereafter, individual section references will be to 42 U.S.C. § 300aa of the Act.

On March 11, 2015, Respondent filed a Proffer on Award of Compensation (“Proffer”). In the Proffer, Respondent represents 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 \$50,000.00 in the form of a check payable to Petitioner, Kettleen Dormeus. This amount accounts for all elements of compensation under 42 U.S.C. § 300aa-15(a) to which Petitioner would be intitled.

Proffer ¶ II.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** herewith.³

IT IS SO ORDERED.

s/ Lisa Hamilton-Fieldman
Lisa Hamilton-Fieldman
Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment is 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

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KETLEEN DORMEUS,)	
)	
Petitioner,)	
v.)	No. 14-551V
)	Special Master Hamilton-Fieldman
SECRETARY OF HEALTH AND HUMAN)	ECF
SERVICES,)	
)	
Respondent.)	
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RESPONDENT’S PROFFER ON AWARD OF COMPENSATION

I. Compensation for Vaccine Injury-Related Items

Respondent proffers that, based on the evidence of record, petitioner should be awarded \$50,000.00. This amount represents all elements of compensation to which petitioner would be entitled under 42 U.S.C. § 300aa-15(a)(1); 15(a)(3)(A); and 15(a)(4). Petitioner agrees.

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:¹

- A. A lump sum payment of \$50,000.00 in the form of a check payable to petitioner, Ketleen Dormeus. This amount accounts for all elements of compensation under 42 U.S.C. § 300aa-15(a) to which petitioner would be entitled.

Petitioner is a competent adult. Evidence of guardianship is not required in this case.

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, future lost earnings, and future pain and suffering.

Respectfully submitted,

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Acting Assistant Attorney General

RUPA BHATTACHARYYA
Director
Torts Branch, Civil Division

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s/Traci R. Patton
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DATE: March 11, 2014