

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 15-357V

Filed: February 4, 2016

Unpublished

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VERA IVANCHUK, as mother and \*  
Natural guardian, and \*  
ANDREY IVANCHUK, as father and \*  
Natural guardian of Y.I., \*

Petitioners, \*

SECRETARY OF HEALTH \*  
AND HUMAN SERVICES, \*

Respondent. \*

\*\*\*\*\*

Damages Decision Based on Proffer;  
Measles, Mumps, and Rubella (MMR);  
Thrombocytopenic purpura; Table injury;  
Special Processing Unit ("SPU")

*Jeffrey S. Pop, Jeffrey S. Pop & Associates, Beverly Hills, CA for petitioners.  
Christine Becer, U.S. Department of Justice, Washington, DC, for respondent.*

### **DECISION AWARDING DAMAGES<sup>1</sup>**

**Dorsey**, Chief Special Master:

On April 9, 2015, Vera and Andrey Ivanchuk ("petitioners") filed a petition for compensation on behalf of Y.I., their minor child, under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,<sup>2</sup> (the "Vaccine Act" or "Program"). The petition alleged that Y.I. experienced thrombocytopenic purpura following the administration of a number of vaccinations, including Measles, Mumps, and Rubella (MMR). Petition at 1-2. The case was assigned to the Special Processing Unit of the Office of Special Masters.

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<sup>1</sup> Because this unpublished decision contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website, 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)). 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.

<sup>2</sup> 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 November 19, 2015, the undersigned issued a ruling on entitlement, finding petitioners entitled to compensation. On February 4, 2016, respondent filed a proffer on award of compensation ("Proffer"). Respondent proffers that, based upon her review of the evidence of record, petitioners should be awarded an amount sufficient to purchase an annuity contract as described in Proffer Section I.A. Petitioners agrees.

Pursuant to the terms stated in the attached Proffer, **the undersigned awards the following:**

- **An amount sufficient to purchase the annuity contract described in the Proffer Section I.A.** This amount represents all elements of compensation to which Y.I. would be entitled under § 300aa-15(a).

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

**s/Nora Beth Dorsey**  
Nora Beth Dorsey  
Chief Special Master

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<sup>3</sup> 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.



1. Beginning December 29, 2026, \$18,218.65 payable annually for four (4) years certain only.<sup>5</sup>

Should Y.I. predecease any of the certain payments set forth above, said payments shall be made to her estate. Written notice to the Secretary of Health and Human Services and to the Life Insurance Company shall be provided within twenty (20) days of Y.I.'s death.<sup>6</sup>

This amount represents all elements of compensation to which petitioner would be entitled under 42 U.S.C. § 300aa-15(a). Petitioner agrees.

Respectfully submitted,

BENJAMIN C. MIZER  
Principal Deputy Assistant Attorney General

RUPA BHATTACHARYYA  
Director  
Torts Branch, Civil Division

VINCENT J. MATANOSKI  
Deputy Director  
Torts Branch, Civil Division

LINDA S. RENZI  
Senior Trial Counsel  
Torts Branch, Civil Division

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b. Moody's Investor Service Claims Paying Rating: Aa3, Aa2, Aa1, or Aaa;

c. Standard and Poor's Corporation Insurer Claims-Paying Ability Rating: AA-, AA, AA+, or AAA;

d. Fitch Credit Rating Company, Insurance Company Claims Paying Ability Rating: AA-, AA, AA+, or AAA.

<sup>4</sup> Petitioner authorizes the disclosure of certain documents filed by the petitioner in this case consistent with the Privacy Act and the routine uses described in the National Vaccine Injury Compensation Program System of Records, No. 09-15-0056.

<sup>5</sup> At the time payment is received, Y.I. will be an adult, and thus guardianship is not required.

<sup>6</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 lost earnings, and future pain and suffering.

*/s/ Christine M. Becer*  
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Dated: February 3, 2016