

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 18-1162V

Filed: November 6, 2019

UNPUBLISHED

MARK THOMANN,

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)

Edward M. Kraus, Law Offices of Chicago Kent, Chicago, IL, for petitioner.

Claudia Barnes Gangi, U.S. Department of Justice, Washington, DC, for respondent.

DECISION AWARDING DAMAGES¹

Corcoran, Chief Special Master:

On August 9, 2018, petitioner 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 he suffered Guillain-Barre Syndrome (“GBS”) as a result of an influenza (“flu”) vaccine administered on September 18, 2012. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On July 22, 2019, a ruling on entitlement was issued, finding petitioner entitled to compensation. On November 6, 2019, respondent filed a proffer on award of compensation (“Proffer”) indicating petitioner should be awarded \$65,000.00. Proffer at 1. In the Proffer, respondent represented that petitioner agrees with the proffered

¹ I intend 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, I agree that the identified material fits within this definition, I will redact such material from public access. Because this unpublished decision contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in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).

award. *Id.* Based on the record as a whole, I find that petitioner is entitled to an award as stated in the Proffer.

Pursuant to the terms stated in the attached Proffer, **I award petitioner a lump sum payment of \$65,000.00 in the form of a check payable to petitioner, Mark Thomann.** 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.

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

MARK THOMANN,)	
)	
Petitioner,)	
)	
v.)	No. 18-1162V
)	Chief Special Master Corcoran
SECRETARY OF HEALTH AND)	ECF
HUMAN SERVICES,)	
)	
Respondent.)	

PROFFER ON AWARD OF COMPENSATION

On July 18, 2019, respondent filed a Rule 4(c) Report, in which he conceded that petitioner sustained the onset of Guillain-Barre Syndrome (“GBS”) within the time period set forth in the Vaccine Injury Table, following his receipt of an influenza (“flu”) vaccine administered on September 18, 2012. Docket No. 23. On July 22, 2019, the Court issued a Ruling on Entitlement, finding that petitioner is entitled to compensation. . Docket No. 25.

I. Items of Compensation

Based upon the evidence of record, respondent proffers that petitioner should be awarded \$65,000.00, which represents all elements of compensation to which petitioner would be entitled under [42 U.S.C. § 300aa-15\(a\)](#). Petitioner agrees.

II. Form of the Award

Petitioner is a competent adult. Evidence of guardianship is not required in this case. Respondent recommends that the compensation provided to petitioner should be made through a lump sum payment of \$65,000.00, in the form of a check payable to petitioner. Petitioner agrees.

Respectfully submitted,

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Assistant Attorney General

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s/ Claudia B. Gangi
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Dated: November 6, 2019