

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 18-1267V

Filed: October 31, 2019

UNPUBLISHED

RYAN BRONSON,

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)

Tonya Anne Oliver, Bichler, Oliver, Longo & Fox PLLC, for petitioner.

Lisa Ann Watts, U.S. Department of Justice, Washington, DC, for respondent.

DECISION AWARDING DAMAGES¹

Corcoran, Chief Special Master:

On August 22, 2018, Ryan Bronson 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 developed Guillain-Barré syndrome (“GBS”) as a result of an influenza (“flu”) vaccine he received on October 15, 2015. Petition at ¶¶1-21. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On July 12, 2019, a ruling on entitlement was issued, finding petitioner entitled to compensation for GBS. On October 31, 2019, respondent filed a proffer on award of compensation (“Proffer”) indicating petitioner should be awarded \$184,865.23, consisting of \$175,000.00 for his past and future pain and suffering and \$9,865.23 for documented

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 Because this unpublished decision contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in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).

past lost wages. Proffer at 1. In the Proffer, respondent represented that petitioner agrees with the proffered 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 \$184,865.23 (consisting of \$175,000.00 for his past and future pain and suffering and \$9,865.23 for documented past lost wages), in the form of a check payable to petitioner, Ryan Bronson.** 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**

RYAN BRONSON,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

No. 18-1267V
Chief Special Master Corcoran
ECF-SPU

RESPONDENT’S PROFFER ON AWARD OF COMPENSATION

On August 22, 2018, Ryan Bronson (“petitioner”) filed a petition for vaccine injury compensation alleging that he developed Guillain-Barré syndrome (“GBS”), a Table injury, following receipt of an influenza (“flu”) vaccination administered on October 15, 2015. Respondent filed his Rule 4(c) Report conceding entitlement to compensation on July 10, 2019. The Court issued a Ruling on Entitlement on July 12, 2019.

I. Items of Compensation

Based upon the evidence of record, respondent proffers that petitioner should be awarded a total of \$184,865.23, consisting of \$175,000.00 for his past and future pain and suffering and \$9,865.23 for documented past lost wages. This represents all elements of compensation to which petitioner would be entitled under **42 U.S.C. § 300aa-15(a)**.¹ Petitioner agrees.

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 damages.

II. Form of the Award

The parties recommend that the compensation provided to petitioner should be made through a lump sum payment of \$184,865.23 in the form of a check payable to petitioner.²

Petitioner agrees.

Respectfully submitted,

JOSEPH H. HUNT
Assistant Attorney General

C. SALVATORE D'ALESSIO
Acting Director
Torts Branch, Civil Division

CATHARINE E. REEVES
Deputy Director
Torts Branch, Civil Division

ALEXIS B. BABCOCK
Assistant Director
Torts Branch, Civil Division

s/Lisa A. Watts
LISA A. WATTS
Senior Trial Attorney
Torts Branch, Civil Division
U.S. Department of Justice
P.O. Box 146
Benjamin Franklin Station
Washington, D.C. 20044-0146
Tel.: (202) 616-4099

DATED: October 31, 2019

² Petitioner is a competent adult. Proof of guardianship is not required in this case.