

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

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| REBECCA WENTLAND, | * |
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| Petitioner, | * No. 18-1308V |
| | * |
| | * Special Master Christian J. Moran |
| | * |
| v. | * Filed: July 27, 2021 |
| | * |
| SECRETARY OF HEALTH | * Stipulation; tetanus, diphtheria, and |
| AND HUMAN SERVICES, | * and acellular pertussis (“Tdap”) |
| | * vaccine; transverse myelitis (“TM”). |
| Respondent. | * |
| ***** | |

Ronald C. Homer, Conway Homer, P.C., Boston, MA, for Petitioner;
Sarah C. Duncan, United States Dep’t of Justice, Washington, DC, for Respondent.

UNPUBLISHED DECISION¹

On July 27, 2021, the parties filed a joint stipulation concerning the petition for compensation filed by Rebecca Wentland on August 28, 2018. Petitioner alleged that the tetanus, diphtheria, and acellular pertussis (“Tdap”) vaccine she received on April 8, 2016, which is contained in the Vaccine Injury Table (the “Table”), 42 C.F.R. §100.3(a), caused her to suffer from transverse myelitis (“TM”). Petitioner further alleges that she suffered the residual effects of this injury for more than six months. Petitioner represents that there has been no prior award or settlement of a civil action for damages on her behalf as a result of her condition.

Respondent denies that the Tdap vaccine caused petitioner to suffer from TM or any other injury.

¹ The E-Government Act, 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

Nevertheless, the parties agree to the joint stipulation, attached hereto. The undersigned finds said stipulation reasonable and adopts it as the decision of the Court in awarding damages, on the terms set forth therein.

Damages awarded in that stipulation include:

- a. **A lump sum payment of \$25,000.00 in the form of a check payable to petitioner;**
- b. **A lump sum of \$1,308.89, which amount represents reimbursement of a Medicaid lien, in the form of a check payable to:**

**Department of Health Care Services
Recovery Branch – MS 4720
P.O. Box 997421
Sacramento, CA 95899-7421
DHCS Account #: C96647891A-VAC03**

Petitioner agrees to endorse this check to the Department of Health Care Services.

This amount represents compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a).

In the absence of a motion for review filed pursuant to RCFC, Appendix B, the clerk is directed to enter judgment according to this decision and the attached stipulation.²

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master

² Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.