

Corrected

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

Filed: February 24, 2021

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JEREMEY MORGAN, *

Petitioner, *

v. *

SECRETARY OF HEALTH AND HUMAN SERVICES, *

Respondent. *

* * * * *

No. 19-1105V
Special Master Sanders

Decision on Proffer; Damages; Influenza (“Flu”) Vaccine; Guillain-Barré Syndrome (“GBS”)

David J. Carney, Green & Schafle, LLC, Philadelphia, PA, for Petitioner.
Dhairya D. Jani, United States Department of Justice, Washington, DC, for Respondent.

DECISION AWARDING DAMAGES¹

On July 30, 2019, Jeremy Morgan (“Petitioner”) filed a petition for compensation pursuant to the National Vaccine Injury Compensation Program.² 42 U.S.C. §§ 300aa-10 to -34 (2012). Petitioner alleged that the influenza vaccine he received on November 2, 2018, caused him to develop Guillain-Barré Syndrome (“GBS”). Pet. at 1, ECF No. 1. Petitioner further alleged that he experienced the residual effects of his injury for more than six months. *Id.* at 8.

On May 26, 2020, Respondent filed a Rule 4(c) report, in which he stated that he would not contest entitlement in this matter. ECF No. 13. On June 15, 2020, the undersigned issued a Ruling on Entitlement consistent with Respondent’s Rule 4(c) report. ECF No. 14.

On February 23, 2021, Respondent filed a Proffer on Award of Compensation (“Proffer”). ECF No. 26. Based on the record as a whole, the undersigned finds that Petitioner is entitled to an award as stated in the Proffer.

¹ This Decision shall be posted 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). In accordance with Vaccine Rule 18(b), a party has 14 days to identify and move to delete medical or other information that satisfies the criteria in § 300aa-12(d)(4)(B). Further, consistent with the rule requirement, a motion for redaction must include a proposed redacted Decision. If, upon review, the undersigned agrees that the identified material fits within the requirements of that provision, such material will be deleted from public access.

² National Childhood Vaccine Injury Act of 1986, Pub L. No. 99-660, 100 Stat. 3755.

Pursuant to the terms stated in the Proffer, attached as Appendix A, the undersigned hereby awards Petitioner:

- A. A lump sum payment of \$149,574.44, representing compensation for pain and suffering (\$149,500.00), and past unreimbursable expenses (\$74.44), in the form of a check payable to [P]etitioner.**

Proffer at 1–2.

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

IT IS SO ORDERED.

s/Herbrina D. Sanders
Herbrina D. Sanders
Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of a notice renouncing the right to seek review.