

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

Filed: June 27, 2023

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MEGAN HITCHNER, \*

\*

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Petitioners, \*

No. 21-1479V

\*

v. \*

Special Master Gowen

\*

SECRETARY OF HEALTH \*

AND HUMAN SERVICES, \*

\*

Respondent. \*

\* \* \* \* \*

Leah VaSahnja Durant, Law Offices of Leah V. Durant, PLLC, Washington, DC, for petitioner. Matthew Murphy, United States Department of Justice, Washington, DC, for respondent.

**DECISION ON STIPULATION<sup>1</sup>**

On June 16, 2021, Megan Hitchner (“petitioner”), filed a petition for compensation under the National Vaccine Injury Compensation Program.<sup>2</sup> (Petition) (ECF No. 1). Petitioner alleged that as a result of receiving the influenza (“Flu”) vaccine on October 7, 2019, she sustained brachial neuritis and/or brachial plexopathy. *Id.*

On June 27, 2023, respondent filed a stipulation stating that a decision should be entered awarding compensation to petitioner. Stipulation (ECF No. 33). Respondent denies that the flu vaccine caused petitioner to suffer from brachial neuritis and/or brachial plexopathy, any other injury, or her current condition. *Id.* at ¶ 6. Nevertheless, maintaining their respective positions,

<sup>1</sup> Pursuant to the E-Government Act of 2002, *see* 44 U.S.C. § 3501 note (2012), because this decision contains a reasoned explanation for the action in this case, I am required to post it to a publicly available website. This decision will appear at <https://www.govinfo.gov/app/collection/uscourts/national/cofc> or on the Court of Federal Claims website. **This means the decision will be available to anyone with access to the Internet.** Before the decision is posted on the court’s website, each party has 14 days to file a motion requesting redaction “of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy.” Vaccine Rule 18(b). “An objecting party must provide the court with a proposed redacted version of the decision.” *Id.* **If neither party files a motion for redaction within 14 days, the decision will be posted on the court’s website without any changes.** *Id.*

<sup>2</sup> The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-10 to 34 (2012) (hereinafter “Vaccine Act” or “the Act”). Hereinafter, individual section references will be to 42 U.S.C. § 300aa of the Act.

the parties nevertheless now agree that the issues between the parties shall be settled and that a decision should be entered awarding petitioner compensation according to the terms of the stipulation attached here to as Appendix A. *Id.* at ¶ 7.

The stipulation provides:

- a) A lump sum of \$100,000.00 in the form of a check payable to petitioner. This amount represents compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a).**

I adopt the parties' stipulation attached hereto, and award compensation in the amount and on the terms set forth therein. The Clerk of the Court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.<sup>3</sup>

**IT IS SO ORDERED.**

**s/Thomas L. Gowen**

Thomas L. Gowen

Special Master

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<sup>3</sup> Entry of judgment is expediated by each party's filing notice renouncing the right to seek review. Vaccine Rule 11(a).