



Report from the Department of Justice

December 3, 2015

Vincent J. Matanoski

Deputy Director, Torts Branch

Statistics

Reporting Period: 8/16/15 – 11/15/15

- I. Total Petitions Filed in the United States Court of Federal Claims this reporting period: 337
 - A. Minors: 32
 - B. Adults: 305

Statistics

Reporting Period: 8/16/15 – 11/15/15

II. Total Petitions Adjudicated this reporting period: 150

A. Compensated: 116

i. Cases conceded by HHS: 34

1. Decision awarding damages: 1

2. Decision adopting Proffer: 32

3. Decision adopting Settlement: 1

ii. Cases not conceded by HHS: 82

1. Decision awarding damages: 0

2. Decision adopting Proffer: 0

3. Decision adopting Settlement: 82

B. Not Compensated/Dismissed: 34

i. Decision dismissing Non-OAP: 28

ii. Decision dismissing OAP: 6

Statistics

Reporting Period: 8/16/15 – 11/15/15

III. Total Petitions Voluntarily Withdrawn this reporting period (no judgment will be issued): 7

Appeals: U.S. Court of Appeals for the Federal Circuit

Recently Decided Cases

Appeals by Petitioner:

- *Hirmiz v. HHS* (Entitlement): Affirmed

All decisions are available on the CAFC's website: <http://www.cafc.uscourts.gov>

Appeals: U.S. Court of Appeals for the Federal Circuit

Pending Cases

Appeals by Petitioner:

- *Mora v. HHS** (Relief from Judgment)
- *D'Angiolini v. HHS** (Entitlement)
- *Nutall v. HHS** (Entitlement)
- *Padmanabhan v. HHS** (Entitlement)
- *Greenberg v. HHS** (Entitlement)
- *Contreras v. HHS* (Entitlement)
- *Milik v. HHS* (Entitlement)
- *Rowan v. HHS* (Entitlement)
- *Moriarty v. HHS* (Entitlement)

Appeals: U.S. Court of Federal Claims

Recently Decided Cases

Appeals by Petitioner:

- *Hodge v. HHS* (Entitlement): Vacated and Remanded
- *Greenberg v. HHS* (Entitlement): Affirmed
- *Waterman v. HHS* (Entitlement): Affirmed
- *Scharfenberger v. HHS* (Attorneys' Fees and Costs): Affirmed
- *Guerrero v. HHS* (Attorneys' Fees and Costs): Affirmed in Part,
Reversed in Part

Appeals: U.S. Court of Federal Claims

Pending Cases

Appeals by Petitioner:

- *Graham v. HHS** (Attorneys' Fees and Costs)
- *Bloch v. HHS** (Entitlement)
- *Tomberlin v. HHS** (Entitlement)
- *Kenzora v. HHS** (Entitlement)
- *Krakov v. HHS** (Entitlement)
- *Spahn v. HHS* (Entitlement)
- *Holt v. HHS* (Entitlement)

*Yellow cases are new this reporting period

Scheduled Oral Arguments

U.S. Court of Appeals for the Federal Circuit:

- *Moriarty v. HHS*: December 8, 2015

Adjudicated Settlements*

Reporting Period: 8/16/15 – 11/15/15

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
Flu	Guillain-Barré Syndrome	6 years, 9 months
Flu	Chronic Inflammatory Demyelinating Polyneuropathy	3 years
Flu	Guillain-Barré Syndrome	2 years, 7 months
Flu	Guillain-Barré Syndrome	1 year, 11 months
Flu	Transverse Myelitis	1 year
Flu	Parsonage Turner Syndrome	6 months
Hep B	Anaphylactic Reaction, Death	2 years, 4 months
Hep B	Brachial Plexitis	3 years, 9 months
Flu	SIRVA	1 year, 6 months
Flu	Chronic Inflammatory Demyelinating Polyneuropathy	1 year

Adjudicated Settlements*

Reporting Period: 8/16/15 – 11/15/15

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
Tdap	Guillain-Barré Syndrome	11 months
Flu	Guillain-Barré Syndrome	10 months
Flu	Guillain-Barré Syndrome	1 year, 11 months
Flu	Guillain-Barré Syndrome, Death	10 months
Flu	Guillain-Barré Syndrome	10 months
Flu	Post Injection Neuralgia, Parsonage Turner Syndrome	8 months
Flu	Guillain-Barré Syndrome	11 months
Flu	SIRVA	10 months
Flu	Transverse Myelitis	7 months
Flu, HPV, Hep A	Transverse Myelitis, ADEM, Neurogenic Bladder	1 year, 2 months

Adjudicated Settlements*

Reporting Period: 8/16/15 – 11/15/15

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
Flu	Guillain-Barré Syndrome	11 months
Flu	ADEM	11 months
Flu	Hemolytic Anemia (HA), Leukostasis, Respiratory Failure, Death	6 months
Flu	Guillain-Barré Syndrome, Chronic Inflammatory Demyelinating Polyneuropathy	10 months
Flu	Brachial Neuritis	7 months
Tdap	Shoulder Injury	6 months
Flu	Shoulder Injury	7 months
Flu, MMR	Encephalitis	3 years, 10 months
Flu	Guillain-Barré Syndrome, Chronic Inflammatory Demyelinating Polyneuropathy	2 years, 4 months
Tdap	Guillain-Barré Syndrome	2 years, 7 months

Adjudicated Settlements*

Reporting Period: 8/16/15 – 11/15/15

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
Flu	Guillain-Barré Syndrome	1 year, 11 months
Flu	Guillain-Barré Syndrome, Death	1 year, 5 months
Tdap	Finger Stiffness, Aching Fingers, Fatigue, Itching, Serum Sickness, Cubital Tunnel Syndrome	1 year, 5 months
Flu	Guillain-Barré Syndrome	1 year
Flu	Guillain-Barré Syndrome, Chronic Inflammatory Demyelinating Polyneuropathy	6 months
Flu	Guillain-Barré Syndrome, Chronic Inflammatory Demyelinating Polyneuropathy	1 year, 3 months
HPV	Juvenile Rheumatoid Arthritis, Undifferentiated Connective Tissue Disease, Mixed Connective Tissue Disease	4 years
Flu	Guillain-Barré Syndrome	2 years, 1 month
Flu	ADEM	2 years
Flu	Guillain-Barré Syndrome	1 year, 8 months

Adjudicated Settlements*

Reporting Period: 8/16/15 – 11/15/15

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
Flu	Guillain-Barré Syndrome	1 year, 1 month
Flu	Narcolepsy	1 year 7 months
Flu	Guillain-Barré Syndrome	1 year
Flu	Adhesive Capsulitis, Possible Impingement Syndrome, and Subacromial Bursitis	1 year, 1 month
Flu	Guillain-Barré Syndrome	1 year, 9 months
Flu	Guillain-Barré Syndrome	11 months
Flu	Guillain-Barré Syndrome	1 year, 1 month
Flu	Guillain-Barré Syndrome	1 year
DTaP, IPV, Hep B, PCV, Hib,	Seizures, Infantile Spasms	5 years, 2 months
HPV	Encephalitis	4 years, 3 months

Adjudicated Settlements*

Reporting Period: 8/16/15 – 11/15/15

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
Flu	Guillain-Barré Syndrome	1 year, 5 months
Flu	Guillain-Barré Syndrome	1 year
Flu	Guillain-Barré Syndrome	7 months
Flu	MALT Lymphoma	11 months
Flu	Bell's Palsy	10 months
DTap	Aggravation of Hypersensitivity Reactions	13 years, 7 months
Flu	Guillain-Barré Syndrome	1 year, 11 months
Hep A, Hep B, DTaP	Guillain-Barré Syndrome	11 months
Tdap	Shoulder Injury	5 months
Flu	Guillain-Barré Syndrome	9 months

*Terms of compensated settlements memorialized by Stipulation

(continued . . .)

Adjudicated Settlements*

Reporting Period: 8/16/15 – 11/15/15

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
Flu	Guillain-Barré Syndrome	1 year
Flu	Joint Pain, Myalgias, Arthralgias, Fatigue, Impaired Endurance	6 years, 11 months
HPV	Ankylosing Spondylitis, Arthritis, Fibromyalgia	5 years, 2 months
DTaP, Meningococcal Conjugate	ADEM, Multiple Sclerosis	3 years, 10 months
Flu	Guillain-Barré Syndrome	1 year, 1 month
Flu	Transverse Myelitis	1 year, 1 month
Flu	Shortness of Breath, Pharyngeal Swelling, Erythema, Angioedema, Reactive Airway Disease, Psychiatric Injury	1 year, 8 months
Flu	Shoulder Injury	8 months
Flu	Bilateral Sensorineural Hearing Loss, ADEM	1 year
Flu	Transverse Myelitis	1 year, 2 months

Adjudicated Settlements*

Reporting Period: 8/16/15 – 11/15/15

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
DTaP, IPV, Hep B, PCV, Hib,	Transverse Myelitis	4 years, 2 months
Flu	Guillain-Barré Syndrome	1 year, 1 month
DTaP	Seizures	3 years
Flu	Brachial Plexopathy	10 months
Tdap	Brachial Neuritis	5 months
DTaP	Encephalopathy, Seizure Disorder	4 years, 11 months
Flu	Guillain-Barré Syndrome	2 years, 11 months
Hep B	Bell's Palsy	2 years, 3 months
Flu	Guillain-Barré Syndrome	12 months
Flu	Guillain-Barré Syndrome	1 year, 1 month

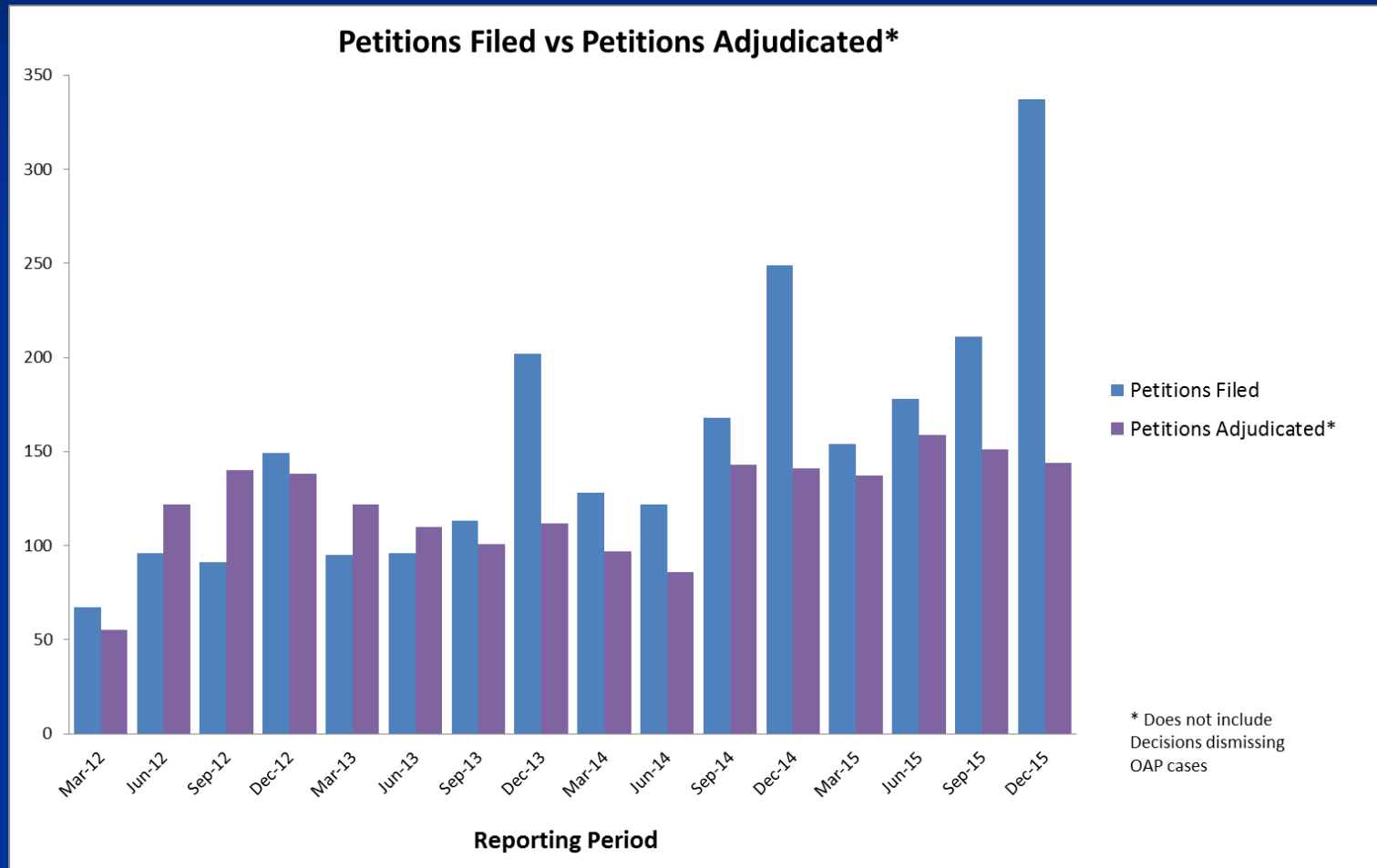
Adjudicated Settlements*

Reporting Period: 8/16/15 – 11/15/15

Vaccine(s)	Alleged Injury(ies)	Petition Filing to Settlement Filing
Flu	SIRVA	1 year, 3 months
Tdap	Guillain-Barré Syndrome	1 year, 6 months
Flu	Adhesive Capsulitis	1 year, 3 months

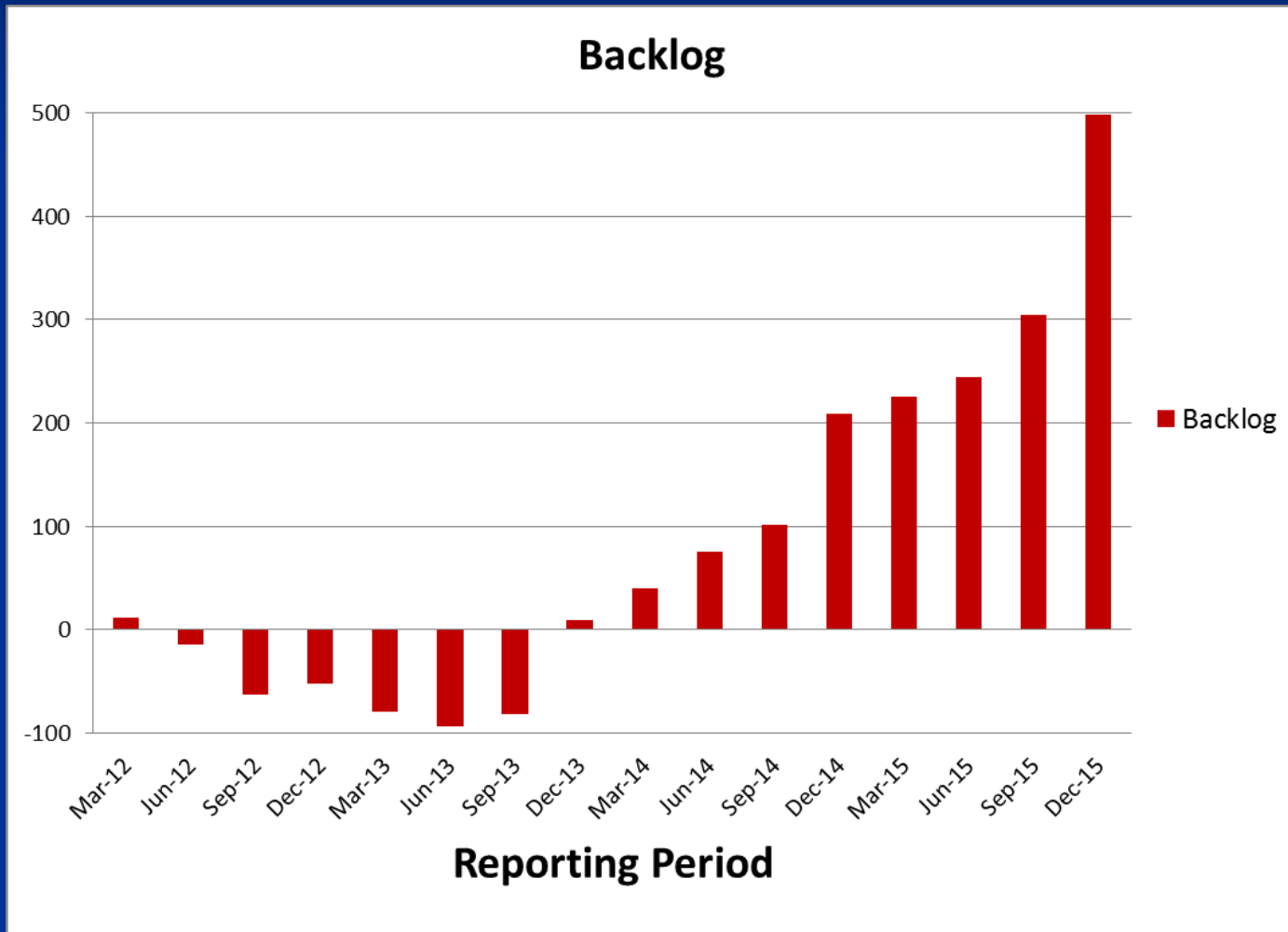
Statistics

2012 – 2015 Snapshot



Statistics

2012 – 2015 Snapshot



Appendix

Glossary of Terms

- **Petitions Adjudicated:** Final judgment has entered on the petition in the United States Court of Federal Claims.
- **Final Judgment:** Clerk of Court, United States Court of Federal Claims, enters judgment awarding or denying compensation.
- **Compensable:** Petitioner received an award of compensation, which can be achieved through a concession by HHS, settlement, or decision on the merits by the special master, United States Court of Federal Claims.
- **Conceded by HHS:** HHS concluded that a petition should be compensated based on review and analysis of the medical records.

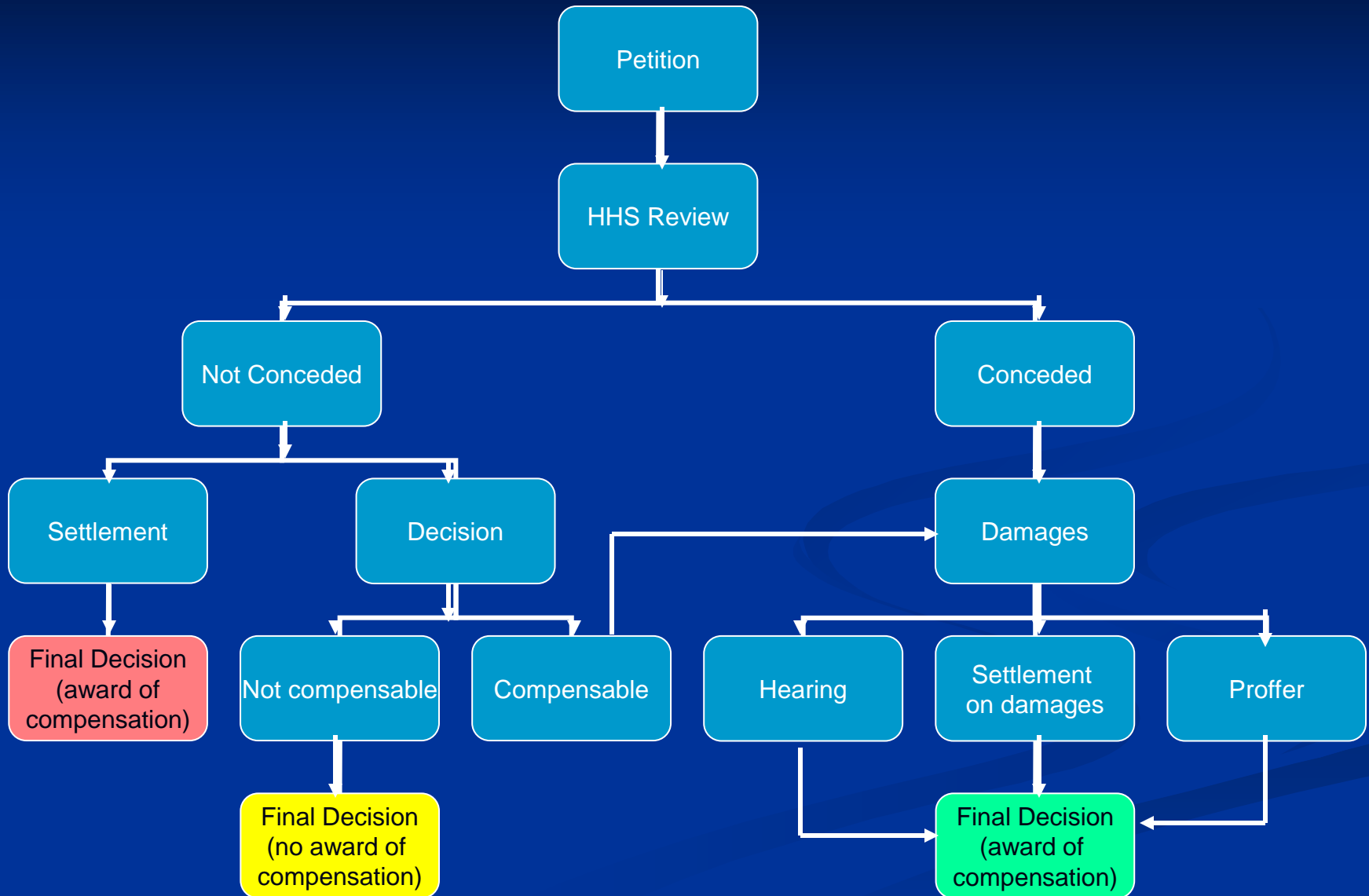
Glossary of Terms

- **Settlement:** Petition is resolved via a negotiated settlement between the parties, and results in the filing of a stipulation that memorializes the terms of the settlement.
- **Decision:** Special Master issues decision on the merits of the petition.
- **Non-compensable/Dismissed:** Petition dismissed.
- **Proffer:** After discussions between the parties regarding a reasonable amount of damages, respondent will file a suggested award of compensation, known within the Program as a “Proffer,” which is also agreed to by petitioners and their counsel. The Proffer is reviewed by the presiding special master to determine that it represents a reasonable measure of the amount of the award and describes compensation pursuant to 42 U.S.C. § 300aa-15(a). The special master issues a final decision consistent with the terms of the Proffer.

Glossary of Terms

- **Affirmed:** Case has been reviewed on appeal, and the court on appeal agreed with the decision of the lower court.
- **Reversed:** Case has been reviewed on appeal, and the court on appeal disagreed with the decision of the lower court. The court on appeal typically provides reasons for reversing, and that decision becomes the law of the case, absent further appeal.
- **Remanded:** Case has been reviewed on appeal, and the reviewing court has a problem with the decision, and sends it back to the lower court. Typically, a case is remanded with a specific question or issue for the lower court to address.
- **Vacated:** Case has been reviewed on appeal, and the reviewing court has voided the lower court's decision.

Petition Processing in the Office of Special Masters



Levels of Appeal in Vaccine Act Cases

U.S. Supreme Court

**U.S. Court of Appeals for the
Federal Circuit**

U.S. Court of Federal Claims

Office of Special Masters

Appeals Process

