

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 09-0192V

Filed: June 23, 2011

* * * * *

DANA IONESCU, as the mother and legal
representative of her minor daughter,
EMMA IONESCU,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

* * * * *

UNPUBLISHED

Varicella Vaccination;
Aplastic Anemia;
Stipulated Decision

Curtis Webb, Twin Falls, ID, for petitioner.

Chrysovalantis Kefalas, Washington, D.C., for respondent.

DECISION¹

Campbell-Smith, Chief Special Master

¹ Because this decision contains a reasoned explanation for the undersigned’s action in this case, the undersigned intends to post this decision on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). As provided by Vaccine Rule 18(b), each party has 14 days within which to request 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). Otherwise, “the entire” decision will be available to the public. Id.

On March 30, 2009, Ms. Dana Ionescu (“petitioner”), filed a petition for compensation on behalf of her daughter Emma, alleging that Emma suffered certain injuries as a result of receiving a vaccination. Among the injuries petitioner alleged that Emma suffered as a result of receiving a varicella vaccination was aplastic anemia. Petitioner sought an award under the National Vaccine Injury Compensation Program, National Vaccine Injury Compensation Program (the Act or the Program).² 42 U.S.C. §§ 300aa-1 to -34 (2006).

On June 23, 2011, counsel for both parties filed a stipulation, stating that a decision should be entered awarding compensation. The parties stipulated that petitioner shall receive the following compensation:

A lump sum of \$225,000.00 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);

Stipulation ¶ 8(a).

A lump sum of \$125,055.32, representing reimbursement of liens imposed by the State of Florida Medical lien, in the form of a check payable jointly to petitioner and

ACS Recovery Services
P.O. Box 12188
Tallahassee, FL 32317-2188
Medicaid No.: 360572
Attn: Nika Ervin

Stipulation ¶8(b).

The undersigned approves the requested amount for petitioner’s compensation. Accordingly, **an award should be made in the form of a check payable to petitioner in the amount of \$225,000.00** A lump sum shall also be made payable jointly to the **ACS Recovery Services and petitioner in the amount of \$125,055.32.**

² 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 through -34 (2006) (Vaccine Act or the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C. § 300aa.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.³

IT IS SO ORDERED.

s/Patricia E. Campbell-Smith
Patricia Campbell-Smith
Special Master

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