

**In the United States Court of Federal Claims**  
**OFFICE OF SPECIAL MASTERS**

\*\*\*\*\*  
JACQUELINE BRAND, \*  
 \*  
 \* Petitioner, \* No. 12-549V  
 \* Special Master Christian J. Moran  
 \*  
v. \*  
 \*  
 \* SECRETARY OF HEALTH \* Filed: December 4, 2012  
 \* AND HUMAN SERVICES, \*  
 \*  
 \* Respondent. \*  
\*\*\*\*\*

Christina M. Ciampolillo, Conway, Homer & Chin-Caplan, P.C., Boston, MA, for Petitioner;  
Lisa Ann Watts, United States Department of Justice, Washington, DC, for Respondent.

**RULING AWARDING COMPENSATION<sup>1</sup>**

On August 30, 2011, Jacqueline Brand sought compensation for injuries she suffered as a result of the administration of the influenza vaccine she received on September 3, 2009. Ms. Brand seeks compensation pursuant to the National Vaccine Injury Compensation Program, 42 U.S.C. § 300aa-10 et seq. (2006).

In the Rule 4 (c) report, respondent stated that Ms. Brand’s claim is compensable under the Act. Respondent stated that the Division of Vaccine Injury Compensation, Department of Health and Human Services, has reviewed the facts of this case and “agrees that petitioner’s satisfies the Althen requirements and that her alleged injury was caused-in-fact by [her vaccination]” (citing Althen v. Sec’y of Health & Human Servs., 418 F.3d 1274, 1278 (Fed. Cir. 2005)). Resp’t Rule 4 Rpt., filed Nov. 16, 2012, at 6. Accordingly, respondent concludes “petitioner has satisfied all legal prerequisites for compensation under the Act.” Id.

Special masters may determine whether a petitioner is entitled to compensation based upon the record. A hearing is not required. 42 U.S.C. § 300aa-13; Vaccine Rule 8(d). Based upon a review of the record as a whole, the undersigned finds that petitioner has established that she is entitled to compensation for her injuries.

---

<sup>1</sup> The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this ruling 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.

**Accordingly, Ms. Brand is entitled to compensation.** A status conference is set for **Wednesday, January 2, 2013, at 10:00 A.M. Eastern Time** to discuss the process for quantifying the amount of damages to which she is entitled.

Any questions may be directed to my law clerk, Philip Johnson, at (202) 357-6521.

**IT IS SO ORDERED.**

S/ Christian J. Moran  
Christian J. Moran  
Special Master