

IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS

W.C.	*	No. 07-456V
	*	Special Master Christian J. Moran
Petitioner,	*	
	*	
v.	*	Filed: September 26, 2011
	*	
SECRETARY OF HEALTH	*	
AND HUMAN SERVICES,	*	Motion to redact information after
	*	remand
Respondent.	*	
	*	

Ronald C. Homer and Meredith Daniels, Conway, Homer & Chin-Caplan, P.C.,
Boston, MA., for petitioner;
Debra A. Filteau Begley, United States Dep't of Justice, Washington, D.C., for
respondent.

ORDER GRANTING IN PART AND DENYING IN PART
MOTION FOR REDACTION AFTER REMAND¹

This matter has returned to the undersigned special master after a remand from the Court of Federal Claims. The Court remanded to permit the petitioner an

¹ Because this order contains a reasoned explanation for the special master's action in this case, the special master intends to post it on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002).

All decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would clearly be an unwarranted invasion of privacy. When such a decision or designated substantive order is filed, a party has 14 days to identify and to move to delete such information before the document's disclosure. If the special master, upon review, agrees that the identified material fits within the categories listed above, the special master shall delete such material from public access. 42 U.S.C. § 300aa-12(d)(4); Vaccine Rule 18(b).

opportunity to seek redaction of a February 22, 2011 decision denying him compensation (“entitlement decision”) and a March 16, 2011 order denying redaction of the February 22, 2011 decision (“redaction order”). Following the remand, the petitioner requested redactions and the Secretary opposed the proposed redactions. For the reasons that follow, the petitioner’s motion is granted in part and denied in part.

The Court’s July 21, 2011 Opinion and Order reversed the redaction order, which had denied the petitioner’s request that his name be redacted from the entitlement decision. The Court held that the redaction order erred in interpreting the Vaccine Act and the Court held that the petitioner was entitled to have his name redacted from the decision. Hence, the Court issued its order under the caption *W.C. v. Secretary of Health & Human Services*. The Court’s order includes the docket number of the case, 07-456V.² W.C. v. Sec’y of Health & Human Servs., No. 07-456V, 2011 WL 3439131 (Fed. Cl. July 22, 2011).

On August 10, 2011, the petitioner filed a set of proposed redactions for both the entitlement decision and the redaction order. In regard to the entitlement decision, the petitioner seeks the redaction of only the docket number. This request is denied. Because the Court issued its order with the docket number, the undersigned will follow this procedure.

In regard to the redaction order, the petitioner seeks redaction of greater amount of text. This proposed redacted information generally concerns the petitioner’s employment, which underlies the basis for his requested redaction. The Secretary opposes this request because, in part, redaction of the redaction order “would diminish if not eviscerate the meaning and import of the [Court’s] Order on the question of redaction.”

This portion of petitioner’s request is granted. The Court’s Opinion and Order mentions that the petitioner “has a rational concern that disclosure of his identity would have potential adverse consequences to his ability to perform his assigned work responsibilities.” W.C., 2011 WL 3439131, at *21. If Court had believed that more information about the petitioner’s employment were necessary to understand its Opinion and Order, then, presumably, the Court would have

² The Court permitted the parties to propose redaction of its July 22, 2011 Opinion and Order. During a September 6, 2011 status conference, the petitioner’s attorney explained that the petitioner did not seek redaction of the Court’s Opinion and Order.

expressed those facts in its Opinion and Order. Consequently, in accord with the Court's Opinion and Order, the petitioner's request to redact details about his employment from the redaction order is granted. See Laitram Corp. v. NEC Corp., 115 F.3d 947, 951 (Fed. Cir. 1997) (recognizing that a district court must follow the letter and the spirit of a mandate from the Federal Circuit).

The February 22, 2011 entitlement decision and the March 16, 2011 redaction order will be made available to the public. Redactions will be made in accord with the Court's Opinion and Order (requiring redaction of the petitioner's name to initials) and in this order.

IT IS SO ORDERED.

s/ Christian J. Moran
Christian J. Moran
Special Master