

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

FRANK J. CAPONE, a married man, *

Petitioner, *

No. 06-529V
Special Master Christian J. Moran

v. *

SECRETARY OF HEALTH AND HUMAN SERVICES, *

Respondent. *

Filed: July 24, 2007

Jay A. Bansal, Esq., Law Office of Jay A. Bansal, Tempe, Arizona, for Petitioner;
Linda S. Renzi, Esq., U.S. Department of Justice, Washington, D.C., for Respondent.

DECISION¹

MORAN: Special Master.

On July 12, 2007, the parties filed a joint stipulation concerning the injuries received by Frank Capone. On July 19, 2006, Mr. Capone filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. § 300aa-10, et. seq. His petition sought compensation for allegedly developing Bell’s palsy, as well as fatigue, dry eyes, dizziness, and tinnitus as a result of receiving the influenza vaccine on October 15, 2005.

Respondent denies that Mr. Capone’s injuries were caused by the influenza vaccine. Nevertheless, the parties agree to the joint stipulation, attached hereto as Appendix A. The undersigned finds said stipulation reasonable and adopts it as the decision of the Court in awarding damages, on the terms set forth therein.

Damages awarded in that stipulation include:

¹ Petitioner is reminded that, pursuant to 42 U.S.C. § 300aa-12(d)(4) and Rule 18(b)(2) of the Vaccine Rules of this Court, within fourteen days of this decision, she may object to the public disclosure of any material including "medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy."

- (a) **A lump sum of \$15,500.00 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); and
- (b) **A lump sum of \$15,000 in the form of a check payable to Petitioner and petitioner's attorney, Jay A. Bansal,** for attorney's fees and costs; and, in compliance with General Order #9, no out-of-pocket expenses were incurred by petitioner in proceeding on the petition.

In the absence of a motion for review filed pursuant to RCFC, Appendix B, the clerk is directed to enter judgment in case 06-529V in accordance with this decision and the attached stipulation.

Any questions may be directed to Shana Z. Siesser, at (202) 357-6358.

IT IS SO ORDERED.

Christian J. Moran
Special Master