

OFFICE OF SPECIAL MASTERS

(Filed: October 12, 2006)

DO NOT PUBLISH

RALPH and HELENE HARO,)	
as legal representatives of their minor child,)	
BAILEY NICOLE HARO,)	
)	
Petitioners,)	
)	
v.)	No. 06-0513V
)	Entitlement; Vaccine-related
SECRETARY OF)	Death; Concession
HEALTH AND HUMAN SERVICES,)	
)	
Respondent.)	
)	

DECISION¹

Petitioners, Ralph Haro and Helene Haro (Mr. Haro and Ms. Haro or the Haros), as legal representatives of the estate of their daughter, Bailey Nicole Haro (Bailey), seek compensation under the National Vaccine Injury Compensation Program (Program).² The Haros filed a Program petition on July 11, 2006. They allege that Bailey died within minutes after she received an array of childhood vaccinations on August 9, 2004. *See* Petition (Pet.) at 1. They attribute Bailey’s death to a vaccine-related hypotonic-hyporesponsive episode (HHE). *See id.*

Based upon the absence of “pathological findings associated with” a “diagnosis” of HHE, respondent does not concede that Bailey suffered a vaccine-related HHE culminating in death.

¹ 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 trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and 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.*

² The statutory provisions governing the Vaccine Program are found in 42 U.S.C. §§ 300aa-10 *et seq.* For convenience, further reference will be to the relevant section of 42 U.S.C.

Respondent's Rule 4(c) Report (Report), filed October 10, 2006, at 3, n.2. Nevertheless, respondent concludes "that causation-in-fact" between Bailey's August 9, 2004 vaccinations and Bailey's death "has been proven" by "the record in this case." *Id.* Therefore, respondent recommends the award of "the maximum statutory amount of \$250,000.00" provided by § 300aa-15(a)(2). Report at 2.

The special master has reviewed the record as a whole. The special master is satisfied that the Haros have established by the preponderance of the evidence all statutory prerequisites to an award of Program compensation. Therefore, in the absence of a motion for review filed under RCFC Appendix B, the clerk of court shall enter judgment in the Haros' favor for \$250,000.00. Under Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing the right to seek review. Then, under Vaccine Rule 12(a), the Haros may expedite payment by filing an election to accept the judgment.

The clerk of court shall send the Haros' copy of this decision to the Haros by overnight express delivery.

John F. Edwards
Special Master