

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 08-0374V

Filed: May 17, 2012

Not to be Published

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JUAN MANUEL BRICENO, parent of \*
MANUEL C. BRICENO, a minor, \*

Petitioner, \*

v. \*

Autism; Attorneys' Fees and Costs

SECRETARY OF HEALTH AND \*
HUMAN SERVICES \*

Respondent. \*

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DECISION AWARDING ATTORNEYS' FEES AND COSTS 1

On September 19, 2011, petitioner filed a motion for reimbursement of costs in this case.2 Petitioner is entitled to reasonable attorneys' fees3 and costs pursuant to §§ 15(b) and (e)(1). Respondent has reviewed the motion and takes no position. Petitioner seeks costs in the amount of \$250.00 for reimbursement of his filing fee.

1 Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims' website, in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, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). In accordance with Vaccine Rule 18(b), a party has 14 days to identify and move to delete medical or other information, that satisfies the criteria in 42 U.S.C. § 300aa-12(d)(4)(B). Further, consistent with the rule requirement, a motion for redaction must include a proposed redacted decision. If, upon review, I agree that the identified material fits within the requirements of that provision, I will delete such material from public access.

2 When petitioner filed this petition, he attached a copy of Manuel's vaccinations. As there was no record that Manuel suffers or suffered from an injury which petitioner believes occurred as a result of a vaccine or vaccines listed on the Vaccine Injury Table, I ordered petitioner to file a medical record or other evidence that Manuel suffers or suffered from an injury relating to an autism spectrum disorder or other disorder. Petitioner filed this documentation on May 3, 2012.

3 Petitioner filed this petition as a pro se petitioner and therefore has not incurred any attorney fees.

**The request for costs is granted.** Petitioner is awarded reasonable costs pursuant to §§ 15(b) and (e)(1), as I find that the petition was brought in good faith and upon a reasonable basis, and the amounts requested are reasonable and appropriate.

**Pursuant to §15(e), I award a lump sum of \$250.00<sup>4</sup> to be paid in the form of a check payable to the petitioner.**

In the absence of a timely-filed motion for review filed pursuant to Appendix B of the Rules of the U.S. Court of Federal Claims, the clerk of the court shall enter judgment in accordance herewith.<sup>5</sup>

**IT IS SO ORDERED.**

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Gary J. Golkiewicz.  
Special Master

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<sup>4</sup> This amount is intended to cover all legal expenses incurred in this matter. This award encompasses all charges by the attorney against a client, “advanced costs” as well as fees for legal services rendered. Furthermore, § 15(e)(3) prevents an attorney from charging or collecting fees (including costs) that would be in addition to the amount awarded herein. See generally Beck v. Sec’y of Dep’t Health and Human Services, 924 F.2d 1029 (Fed. Cir.1991).

<sup>5</sup> Entry of judgment can be expedited by each party’s filing of a notice renouncing the right to seek review. See Vaccine Rule 11(a).