

compensation and recommended the petitioner be compensated pursuant to 42 U.S.C. § 300aa-15(a)(2). Respondent's Report (R Report) at 1, 4. Respondent conceded entitlement after medical personnel at the Department of Health and Human Services, Division of Vaccine Injury Compensation (DVIC) reviewed the petition and supporting documentation filed in this case and recommended that compensation is appropriate as the medical records support the diagnosis of anaphylaxis following flu vaccination. R Report at 2. The death certificate indicates that anaphylaxis was the primary cause of death and there is no evidence of an alternative cause in the record. See P Ex. 3; R Report at 4.

On May 15, 2008, petitioner filed the letter appointing him as administrator of the estate of Jesse Schweitzer and a statement that petitioner is only pursuing the \$250,000.00 death benefit. See P Ex 5; P Ex. 6. With that filing, petitioner has met all the jurisdictional prerequisites to an award under the Vaccine Act. Accordingly, in the absence of a motion for review the Clerk of the Court is directed to enter judgment awarding petitioner the statutory death benefit of \$250,000.00.³

IT IS SO ORDERED.

s/ Gary J. Golkiewicz
Gary J. Golkiewicz
Chief Special Master

³Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.