

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

\*\*\*\*\*

COURTNEY GROOMS, Mother and \*  
Representative of the Estate of \*  
AYON CONWAY, a minor, deceased, \*  
\*  
Petitioner, \*

No. 06-773V  
Special Master Christian J. Moran

v. \*

Filed: May 14, 2007

SECRETARY OF HEALTH \*  
AND HUMAN SERVICES, \*  
\*  
Respondent. \*

DTaP, IPV, Hep B, hib; repeat  
vaccinations; entitlement conceded;  
death

\*\*\*\*\*

**DECISION<sup>1</sup>**

Petitioner, Courtney Grooms, as mother and legal representative of the estate of her minor child, Ayon Conway, filed a petition for compensation pursuant to the National Childhood Vaccine Act. 42 U.S.C. §§ 300aa et seq. For the reasons explained below, she is awarded compensation in the amount of \$250,000.

Ms. Grooms filed her petition on November 15, 2006. Along with her petition, Ms. Grooms also filed medical records. These records indicated that Ayon was born prematurely on July 16, 2004, at nearly 26 weeks gestation. Following his birth, Ayon required assistance with breathing, and had to be treated for a multitude of problems, including chronic lung disease,

---

<sup>1</sup> Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post it on the United States Court of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).

Vaccine Rule 18(b) states that 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, petitioner 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 banned categories listed above, the special master shall delete such material from public access.

apnea and bradycardia, retinopathy of prematurity, gastroesophageal reflux, hypothyroidism, and inguinal hernia repair. Exhibit 18. He was admitted to the hospital, where he remained for the next two months on a ventilator. Ayon was discharged on November 11, 2004 and was sent home on a nasal cannula with home oxygen and an apnea monitor. Exhibit 18 at 12.

According to the hospital's vaccine records, on November 13, 2004, Ayon received the following vaccinations: haemophilus influenzae type b ("Hib #1"), pneumococcal, influenza, and pediatrix.<sup>2</sup> Exhibit 2 at 1, Exhibit 18 at 628.

On November 18, 2004, at a doctor's visit, Ayon was given a second set of vaccinations. They included the following: diphtheria and tetanus toxoids with acellular pertussis ("DTaP"); inactivated polio vaccine ("IPV"); hepatitis B ("hep B"); PNEUPED (Prennar) #1, and Hib #1. Exhibit 5 at 1.

Later on the night of November 18, 2004, Ayon went into cardiac arrest. Emergency medical services was called to the home and found him pulseless and apneic. Exhibit 15 at 1. Ayon was taken to the emergency department, where medical personnel attempted resuscitation. Ayon died shortly after at 9:19 PM on November 18, 2004. Exhibit 7 at 1; Petition at ¶ 12.

An autopsy was performed on November 19, 2004. Exhibit 8 at 1. The coroner concluded that the cause of death was "cardiac arrest due to Hyperglycemia (cannot rule out diabetes mellitus)." Exhibit 7 at 1.

On April 30, 2007, respondent filed its Rule 4 report in which it conceded Ms. Grooms' entitlement to compensation under the Act, based on the circumstances of Ayon's death. Respondent concluded that Ayon's immunizations significantly aggravated his underlying medical condition, which resulted in his death.

The Court has reviewed the record as a whole. The Court is satisfied that Ms. Grooms has established by preponderance of the evidence all statutory prerequisites to an award of compensation under the Act.

---

<sup>2</sup> "Pediatrix" is probably a misspelling of the brand name drug, pediarix.<sup>TM</sup> According to the web site for GlaxoSmithKline, pediarix combines the DTaP, hep B, and IPV vaccines. <http://www.gsk.com> (last visited on May 11, 2007); accord Res't Rep't at 2 n.2.

Therefore, absent a motion for review, the clerk of court shall enter judgment in Ms. Grooms' favor in the amount of \$250,000.00. Pursuant to Vaccine Rule 11(a), the parties may expedite judgment by filing a joint notice renouncing the right to seek review. Then, pursuant to Vaccine Rule 12(a), Ms. Grooms may expedite payment by filing an election to accept judgment.

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

IT IS SO ORDERED.

---

Christian J. Moran  
Special Master