

OFFICE OF SPECIAL MASTERS

(Filed: January 30, 2006)

MARIA V. BESSEM,)	
)	
Petitioner,)	
)	
v.)	No. 04-1208V
)	DO NOT PUBLISH
SECRETARY OF)	
HEALTH AND HUMAN SERVICES,)	
)	
Respondent.)	

DECISION ON ATTORNEYS' FEES, ATTORNEYS' COSTS AND PERSONAL EXPENSES¹

Petitioner, Maria Bessem (Ms. Bessem), seeks an award of \$44,826.62 in attorneys' fees, attorneys' costs and personal expenses as defined by General Order No. 9 for an action that she pursued successfully under the National Vaccine Injury Compensation Program (Program).² *See* Application for Award of Attorney's Fees (Abbreviated Format) and for Reimbursement of Costs Incurred (Fee Petition), filed January 17, 2006, at 3. Although the Act mandates an award of attorneys' fees, attorneys' costs and personal expenses as defined by General Order No. 9 in this case, *see* § 300aa-15(e)(1), respondent contested informally certain aspects of the Fee Petition. *See* Status Report, filed January 23, 2006. Ms. Bessem acceded to respondent's objections. *See id.*

The special master has reviewed thoroughly the Fee Petition. Based upon the record as a whole, and based upon his experience, the special master determines that Ms. Bessem shall receive

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.

\$33,086.62 in attorneys' fees, attorneys' costs and personal expenses as defined by General Order No. 9. Therefore, in the absence of a motion for review filed under RCFC Appendix B, the clerk of court shall enter judgment in Ms. Bessem's favor for \$33,086.62. The judgment shall reflect that Ms. Bessem's attorney of record, Andrew W. Dodd, Esq. (Mr. Dodd), may collect \$31,983.93 from Ms. Bessem.³ Under Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing the right to seek review.

The clerk of court shall send Ms. Bessem's copy of this decision to Ms. Bessem by overnight express delivery.

John F. Edwards
Special Master

³ \$33,086.62 - \$1,102.69, representing Ms. Bessem's personal expenses as defined by General Order No. 9. *See* Fee Petition, Exhibit 9 at 1. The special master assumes that, in keeping with typical Program practice, Mr. Dodd is responsible for disbursing any funds to the attorney who referred the case to him. *See, e.g.*, Fee Petition at 2, n.2.