

OFFICE OF SPECIAL MASTERS

No. 05-0181V

Filed: December 7, 2005

ALLISON ALEJOS, mother and legal guardian
of a minor child, Joel Nathaniel Alejos,

Petitioner,

v.

SECRETARY OF HEALTH AND HUMAN
SERVICES,

Respondent.

Unpublished

To be posted on court website¹

DECISION (ATTORNEYS' FEES)

The petitioner seeks an award of attorneys' fees and costs incurred in this case filed under the National Vaccine Injury Compensation Program.² The petitioner's motion, filed on November 14, 2005, sought a total of \$11,723.40. Respondent did not respond.

Of her costs, the petitioner claims \$50 for her counsel's admission fee to the bar of the United States Court of Federal Claims. The fee for attorney admission is not compensable. *See Velting v. HHS*, No. 90-1432V, 1996 WL 937626, at *2 (Fed. Cl. Spec. Mstr. Sept. 24, 1996).

Therefore, my calculation of the allowable fees and costs is as follows:

Attorney Fees	\$ 10,500.00
Costs borne by Counsel	\$ 1,173.40
Total	\$ 11,673.40

¹Because this document contains a reasoned explanation for my action in this case, I intend to post this order on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). Therefore, 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, this entire document will be available to the public. *Id.*

²The petition was subsequently withdrawn pursuant to 42 U.S.C. § 300aa-21(b). However, this does not deprive the petitioner of his ability to obtain attorneys' fees and costs. *Grice v. HHS*, 36 Fed. Cl. 114 (1996).

After reviewing the file, I find that this petition was brought in good faith and that there existed a reasonable basis for the claim. Therefore, an award of fees and costs is appropriate. Further, the figure of \$ 11, 673.40 seems reasonable and appropriate. Accordingly, I hereby award the following attorneys' fees and costs pursuant to 42 U.S.C. § 300aa-15(b) and (e)(1):

A lump sum of \$ 11, 673.40, in the form of a check payable jointly to petitioner and petitioner's counsel, Benoit M. J. Swinnen, on account of petitioner's attorneys' fees and costs.

In the absence of a timely-filed motion for review of this Decision (see Appendix B, Rules of the United States Court of Federal Claims), the Clerk shall enter judgment in accordance herewith.

George L. Hastings, Jr.
Special Master