

**OFFICE OF SPECIAL MASTERS**

**No. 04-1510V**

**Filed:** August 29, 2005

CATALINO C. YAMBING, JR.

Petitioner,

v.

SECRETARY OF HEALTH AND HUMAN  
SERVICES,

Respondent.

Unpublished  
Posted<sup>1</sup>

**DECISION**

**HASTINGS**, Special Master.

This is an action seeking an award under the National Vaccine Injury Compensation Program (see 42 U.S.C. § 300aa-10 *et seq.*<sup>2</sup>) on account of injuries related to a diphtheria-tetanus vaccine suffered by Catalino C. Yambing, Jr.

On August 11, 2005, counsel for both parties filed a stipulation, stipulating that a decision should be entered granting compensation and attorneys fees under §§ 300aa-15(a) and (e). The parties stipulated that petitioner shall receive the following compensation:

- A lump sum of \$ 75,000, in the form of a check payable to petitioner representing unreimbursed medical expenses, “pain and suffering,” and lost earnings.

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<sup>1</sup>Because 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.*

<sup>2</sup>The applicable statutory provisions defining the Program are found at 42 U.S.C. § 300aa-10 *et seq.* (2000 ed.). Hereinafter, for ease of citation, all “§” references will be to 42 U.S.C. (2000 ed.).

- A lump sum of \$ 9,775.93, in the form of a check payable to petitioner and his attorney, Thomas Scott Carnes, representing the petitioner’s attorneys’ fees and costs.<sup>3</sup>

Under the statute governing the Program, as well as the “Vaccine Rules” adopted by this court, the special master must now enter a decision endorsing that stipulation, and the clerk must enter judgment, in order to authorize payment of the award. See § 300aa-12(d)(3)(A) and (e)(3); § 300aa-13(a); Vaccine Rules 10(a), 11(a).<sup>4</sup>

I have reviewed the file, and, based on that review, I conclude that the parties’ stipulation appears to be an appropriate one. Accordingly, my decision is that a Program award shall be made to petitioner in the amounts set forth above. In the absence of a timely-filed motion for review of this decision, the clerk shall enter judgment in accordance herewith.

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George L. Hastings, Jr.  
Special Master

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<sup>3</sup>The Special Master thanks both counsel for their efficient work on this petition, and hopes that Mr. Carnes continues to participate in the Vaccine Program.

<sup>4</sup>The “Vaccine Rules of the United States Court of Federal Claims” are found in Appendix B of the Rules of the United States Court of Federal Claims.