

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

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BUTCH RHANDI DOMINGO and
MARIA AGNES CALIMAG, Personal
Representatives of the Estate of
ALESSANDRA DOMINGO, Deceased,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

\*\*\*\*\*

No. 08-251V
Special Master Christian J. Moran

Filed: August 15, 2008

entitlement, multiple vaccines,
anaphylaxis, death, conceded case

DECISION\*

Petitioners, Butch Rhandi Domingo and Maria Agnes Calimag, as legal representatives of the estate of their minor child, Alessandra Domingo, filed a petition for compensation pursuant to the National Childhood Vaccine Act. 42 U.S.C. §§ 300aa-10 et seq. (2006). For the reasons explained below, they are awarded compensation in the amount of \$250,000.00.

Allesandra Domingo was born on June 21, 2002. She had a febrile seizure on December 14, 2003. Exhibit 6 at 10-11; exhibit 4 at 5, 8.

\* Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post it on the United States Court of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

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, a party 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. 42 U.S.C. § 300aa-(12)(d)(4); Vaccine Rule 18(b).

On May 8, 2007, Allesandra received a series of vaccinations. These included vaccinations against measles, mumps, and rubella; hepatitis A; hepatitis B; and diphtheria-tetanus-acellular pertussis. Exhibit 9 at 24. The following morning, she told her parents that she could not see. Later that morning, her father found her unresponsive and called 911. Emergency Medical Services arrived after Mr. Domingo had revived Alessandra. Exhibit 9 at 4. The treatment she received in the emergency room was, unfortunately, not successful, and Allesandra was pronounced dead. Exhibit 9 at 4.

Several months later, Dr. Steven Rostad, a doctor retained by the petitioners, reviewed material from Allesandra's autopsy. He concluded that the cause of death was "anaphylaxis secondary to an allergic reaction to vaccine(s)." Exhibit 12 at 2.

On July 30, 2008, respondent filed his Rule 4 report conceding entitlement to compensation under the Act based on the circumstances of Allesandra's death.

The undersigned has reviewed the record as a whole. Mr. Domingo and Ms. Calimag have established, by a preponderance of the evidence, all statutory prerequisites for an award of compensation under the Act.

Therefore, absent a motion for review, the clerk of court shall enter judgment in favor of Mr. Domingo and Ms. Calimag 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), Mr. Domingo and Ms. Calimag may expedite payment by filing an election to accept judgment.

I extend my sympathy to Mr. Domingo and Ms. Calimag for their loss.

IT IS SO ORDERED.

S/ Christian J. Moran

Christian J. Moran

Special Master