

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

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RACHEL KAY, \*  
 \*  
 \* No. 01-467V  
 \* Petitioner, \* Special Master Christian J. Moran  
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 \*  
 v. \* Filed: January 18, 2008  
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 SECRETARY OF HEALTH \* Hepatitis B vaccine; autoimmune  
 AND HUMAN SERVICES, \* hepatitis; stipulation.  
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 \*  
 \* Respondent. \*  
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*Anne C. Toale, Esq., Maglio, Christopher & Toale*, Sarasota, Florida, for petitioner  
*Althea W. Davis, Esq. U.S. Department of Justice*, Washington, D.C. for respondent

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

**MORAN:** Special Master.

On January 10, 2008, the parties filed a joint stipulation concerning the injuries received by Rachel Kay. On August 10, 2001, Ms. Kay filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. § 300aa-10, et. seq. Her petition sought compensation for allegedly developing autoimmune hepatitis, as well as fatigue, swollen and inflamed joints, and depression as a result of receiving the hepatitis B vaccinations on August 10, 1998, September 15, 1998, and February 24, 1999.

Respondent denies that Ms. Kay’s injuries were caused by the hepatitis B vaccinations. Nevertheless, the parties agree to the joint stipulation, attached hereto as Appendix A. The undersigned finds said stipulation reasonable and adopts it as the decision of the Court in awarding damages, on the terms set forth therein.

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 Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post it on the United States Court of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

Petitioner is reminded that, pursuant to 42 U.S.C. § 300aa-12(d)(4) and Rule 18(b)(2) of the Vaccine Rules of this Court, within fourteen days of this decision, she may object to the public disclosure of any material including "medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy."

Damages awarded in that stipulation include:

**A lump sum of \$100,000.00 in the form of a check payable to Petitioner.** This amount represents compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a).

In the absence of a motion for review filed pursuant to RCFC, Appendix B, the clerk is directed to enter judgment in case 01-467V in accordance with this decision and the attached stipulation.

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

**IT IS SO ORDERED.**

S/ Christian J. Moran

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Christian J. Moran  
Special Master