



Injury Compensation Program<sup>2</sup> individually<sup>3</sup> and on behalf of the estate of Charles Leon Howard. The petition alleges that as a result of receiving the tetanus-diphtheria vaccination on December 22, 2007, Mr. Howard suffered an anaphylactic reaction and died. See Pet. at 1-2.

On January 14, 2009, respondent filed her Rule 4 Report conceding entitlement to compensation and recommending that petitioner be compensated pursuant to 42 U.S.C. § 300aa-15(a)(2). Respondent's Report, filed Jan. 14, 2009 at 1, 3-4. Respondent conceded entitlement after medical personnel at the Department of Health and Human Services, Division of Vaccine Injury Compensation (DVIC) reviewed the petition and supporting documentation filed in this case and recommended that compensation is appropriate as the medical records support a diagnosis of anaphylactic reaction within two-hours of receiving a tetanus-containing vaccine, which falls within the four hour time period of a Table Injury for a tetanus-containing vaccine. Id. at 3. Mr. Howard's death was a sequela of anaphylaxis. Id.

Petitioner has met all the jurisdictional prerequisites to an award under the Vaccine Act. Accordingly, the **Clerk of the Court is directed to enter judgment awarding petitioner the statutory death benefit of \$250,000.00.**<sup>4</sup>

**IT IS SO ORDERED.**

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Gary J. Golkiewicz  
Chief Special Master

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<sup>2</sup> The National Vaccine Injury Compensation Program comprises Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C.A. §§ 300aa-10 et seq. (West 1991 & Supp. 2002) ("Vaccine Act" or the "Act").

<sup>3</sup>The caption in this matter was subsequently amended to reflect that petitioner's only legally cognizable claim under the Vaccine Act is as the legal representative of the estate of Charles Leon Howard. 42 U.S.C. § 300aa-11(1)(A).

<sup>4</sup>Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.