



FAQS Concerning Your Vaccine Injury

How Do I File a Vaccine Injury Claim?

Injuries or illness caused by vaccinations may fall under the National Vaccine Injury Compensation Program, a government fund set up to compensate people who suffer adverse effects after receiving a vaccination. Under federal law, these claims are filed in the United States Court of Federal Claims, in Washington D.C. We are admitted to this court.

There are time limits on these claims. A vaccine personal injury claim, for instance, must be filed within three years after the first occurrence of the injury/vaccine related issue. If death has occurred, however, the claim must be filed within two years after death, and within four years from the time of the symptoms were first noticed.

These cases are quite complex and legal representation is strongly recommended.

If the Vaccine Injury Compensation Fund is Set-up, Why do I Need an Attorney?

Filing a Vaccine Injury Claim can be extremely complicated both legally and medically. Attorneys filing under the National Vaccine Injury Compensation Program are specifically admitted to the Federal Court of Claims, and qualified under the Vaccine program. These cases are defended by special Assistant U.S. Attorneys, acting on behalf of the Secretary of Health and Human Services. Therefore, these cases can be extremely challenging and strongly contested. Thus, it is in your best interests to hire an experienced, competent vaccine litigation attorney with a successful, proven track record representing clients in these cases.

Aren't Successful, Experienced Attorneys Really Expensive?

Hiring an attorney to represent your Vaccine Injury case should come at essentially no cost to you, as all legal fees are paid by the Court of Federal Claims and are taken from the National Vaccine Injury Compensation Fund. These are not "contingency fee" cases, but vaccine attorneys submit their request for fees after a settlement or decision by the Court. Costs, including: expert witness expenses, travel costs, and the cost of litigation, are advanced by our firm, and are a loss to us if we cannot recover. Therefore, there is no reason not to pursue your claim, or to attempt to do so on your own.

How Long Does This Process Take?

As with all cases, the time the process takes can vary. The Vaccine Court is run under its own rules, with the idea that it would be more efficient. That is not always the case, however, and much depends on whether your injury “fits” into the accepted claims which have been established by the Court, or whether new proof would need be presented. Again, cases can vary a great deal, and sometimes the process is significantly longer. We would be happy to discuss the particular circumstances of your case.

How Much Compensation Can Be Awarded in These Cases?

In the case of a vaccine injury, there is no maximum on the amount of lost wages or medical expenses one may receive, but the law is unusual in a number of ways. First, the Vaccine Fund does not pay for medical expenses that have been or will be paid by insurance. Other medical costs can be awarded. Also, “pain and suffering” is limited in most cases to a maximum of \$250,000, even if the pain and suffering are long term or severe. As noted above, there is no deduction for attorney fees or costs, as those are awarded separately. In the case of a vaccine-related death, a maximum of \$250,000 as a death benefit may be paid towards the estate of the deceased.

Who Should I Contact to Discuss My Possible Case?

The Law Offices of David N. Damick would be happy to discuss your case and how best to move forward with it. Call us today for a free consultation at **(314) 231-0570**.