

[MAIL ONLINE]

FAMILY WIN 18 YEAR FIGHT OVER MMR DAMAGE

**TO SON: £90,000 PAYOUT
IS FIRST SINCE CONCERNS
OVER VACCINE SURFACED**

by

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<http://www.dailymail.co.uk/news/article-1307095/Family-win-18-year-fight-MMR-damage-son--90-000-payout-concerns-vaccine-surfaced.html#ixzz1ACXnKPZd>

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A mother whose son suffered severe brain damage after he was given the controversial MMR vaccine as a baby has been awarded £90,000 compensation.

The judgment is the first of its kind to be revealed since concerns were raised about the safety of the triple jab.

Robert Fletcher, 18, is unable to talk, stand unaided or feed himself.



*Lovely boy: Robert Fletcher with
his mother Jackie at the age of 14*

He endures frequent epileptic fits and requires round-the-clock care from his parents Jackie and John, though he is not autistic.

He suffered the devastating effects after being given the combined measles, mumps and rubella vaccine when he was 13 months old.

The Department of Health had always denied that the jab was the cause of Robert's disability.

But now, in a judgment which will give hope to hundreds of other parents whose children have been severely affected by routine vaccinations, a medical assessment panel consisting of two doctors and a barrister has concluded that MMR was to blame.

Robert's mother Jackie said the money would help with his care, though she described the amount as 'derisory'.

Her first application for compensation under the Government's Vaccine Damage Payment Scheme was rejected in 1997 on the grounds that it was impossible to prove beyond reasonable doubt what had caused Robert's illness.

But Mrs Fletcher appealed and in a ruling delivered last week, a new panel of experts came to a different conclusion.



*Healthy: Robert in the bath as baby
before he had the MMR jab*

In a six-page judgment, they said: 'Robert was a more or less fit boy who, within the period usually considered relevant to immunisation, developed a severe convulsion... and he then went on to be epileptic and severely retarded.

'The seizure occurred ten days after the vaccination. In our view, this cannot be put down to coincidence.

'It is this temporal association that provides the link. It is this that has shown on the balance of probabilities that the vaccination triggered the epilepsy.

'On this basis, we find that Robert is severely disabled as a result of vaccination and this is why we allowed the appeal.'

The ruling will reignite the debate over the safety of common childhood vaccines, although it makes clear that Robert's case does not involve autism.

There is one other reported case of a family being given compensation as a result of an MMR jab.

But Mrs Fletcher said she believed the compensation award to Robert was the first to a surviving MMR-damaged person since controversy erupted in 1998 when the now discredited Dr Andrew Wakefield raised concerns about a possible link between the combined MMR injection and autism.

He has since been struck off the medical register.



*Affected: Robert with his parents as a five-year-old.
He is unable to stand, feed himself and speaks very little*

The Government refuses to say how many awards have been directly attributed to this jab rather than other inoculations against illnesses such as diphtheria or whooping cough.

Details of successful claims involving vaccine-damaged children are seldom publicised because the Department of Health is thought to be anxious not to encourage a rush of applications.

Figures released in 2005 under the Freedom of Information Act revealed that tribunals had paid out £3.5 million over the previous eight years.

The Department for Work and Pensions, which administers the Vaccine Damage Payment Scheme, said: 'We do not hold any information on how many awards have been MMR-related.'

'It is not a requirement when a case is being assessed for the medical adviser to state which vaccine the damage has been attributed to.'

'Nor is it a requirement to list the disabling condition that gave rise to the award.'

The controversy over a suggested link between MMR and autism erupted in 1998 when Dr Wakefield published a paper in The Lancet medical journal.

His work has since been discredited and earlier this year Dr Wakefield, who has moved to America, was struck off the medical register after the General Medical Council ruled that he had acted against the interests of patients and 'failed in his duties as a responsible consultant'.



Campaign: Robert's mother Jackie set up

*JABS - a pressure group which provides
advice and support to families affected by vaccinations*

Robert Fletcher does not suffer from autism. But Mrs Fletcher, from Warrington, Cheshire, said the ruling would give hope to hundreds of other parents fighting to prove that their children's disabilities were caused by the MMR injection.

Mrs Fletcher set up and runs pressure group JABS - Justice, Awareness and Basic Support.

Around 2,000 families seeking compensation for their vaccine-damaged children are registered with the group, which provides advice and support.

'My husband John and I have battled for 18 years for the cause of Robert's disability to be officially recognised,' she said.

'We were told the vaccine was perfectly safe. Like most people, we trusted what the doctors and nurses were putting to us.

'Robert is nearly 19 but mentally he is like a 14-month-old toddler. He can't stand unaided and he is doubly incontinent.

'He can't speak except to say "Hi, Mum" or "Hi, Daddy" .

'We chop up his food and have to anticipate all his needs. He is prone to various illnesses and last week suffered around 40 severe epileptic seizures.

'In April this year, we thought we'd lost him. He contracted a chest infection and had to go to hospital for several days.

[Right] Discredited: Dr Andrew Wakefield was struck off by the GMC after it found his research into the possible effects of MMR was flawed

'He is such a lovely boy. When he's not ill, he's so cheerful and seems to take everything on the chin. In between seizures he says "Hi, Mum" and tries to kiss me.

'The money is a derisory amount though it will help with making adaptations to the house for Robert's benefit.

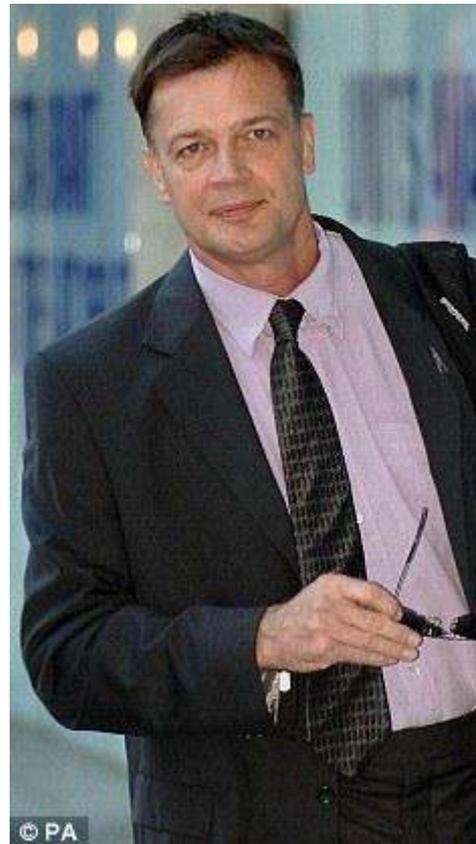
'What matters is the recognition that MMR was the reason this happened.'

The first doctor who assessed Robert under the compensation scheme in 1996 concluded that he had suffered a 'simple febrile convulsion with no long-lasting consequences'.

Although he agreed that Robert had a degree of disability, he refused to accept that the MMR vaccine was to blame.

At this month's appeal, evidence was given by a leading expert on vaccine-damaged children, paediatric neurologist Dr Marcel Kinsbourne. He explained the biological changes which had occurred in Robert's brain following the vaccination.

The one-day hearing was chaired by a barrister sitting with two doctors, Professor Sundara Lingam, a former consultant at Great Ormond Street Hospital for Children, and Dr Adrian Allaway.



In a dissenting judgment, Professor Lingam said he believed Robert was 'genetically predisposed to epilepsy and that the vaccination triggered it rather than caused it.

'Robert would have developed epilepsy in any event, even if he had not had the vaccination'.

But Professor Lingam was overruled by his two colleagues.

In their final judgment, they accepted that MMR had caused Robert's illness but added: 'We would stress that this decision is fact-specific and it should not be seen as a precedent for any other case.

'In particular, it has no relevance to the issue... as to whether there is a link between the MMR vaccine and autism.'

Last night, Tory MP Nadine Dorries, a member of the powerful Commons Health Committee, said: 'If an independent panel has reached the conclusion that there has been a link between the MMR vaccine and the brain damage suffered by this boy in this case, then it is fair to assume that there could be as many as thousands of children and parents in the same position.

'There should be full and easy access to all documentation relating to the judgment for any parent or professional to read and assess.'

Dr Michael Fitzpatrick, a London GP whose own son is autistic, said: 'It is a very important principle that parents should be compensated in cases of this kind.

'But although a causal link has been established in law in this instance, exhaustive scientific research has failed to establish any link between MMR and brain damage.

'This case should not make parents feel any different about the safety of the vaccine.'

The Department of Health said: 'This decision reflects the opinion of a tribunal on the specific facts of the case and they were clear that it should not be seen as a precedent for any other case.

'The safety of MMR has been endorsed through numerous studies in many countries.'

New hope for parents who claim MMR jab blighted their children

By **SALLY BECK**

For MMR campaigners, the Robert Fletcher ruling is a small but significant milestone in their efforts to prove that the vaccine is not safe for a few children, even though the Government insists it is and that serious reactions are rare.

The triple jab was introduced in 1988, and has been given to millions of children as part of their vaccination schedule, which includes inoculations for 12 diseases.

The vast majority of children suffer no more than redness and swelling around the injection site or a fever that can be easily treated.

But a small number suffer serious reactions. The official figure is one in a million, but campaigners believe that is an underestimate.

Up to 2,000 parents remain convinced their children have suffered significant harm from MMR but have been unable to prove it.

This new decision will give them hope, even though compensation panels do not officially recognise autism claims.

Campaigner Polly Tommey, who edits the magazine The Autism File and believes her son Billy is autistic because of MMR, says: 'This is fantastic news. Now doctors can't tell me that the MMR is safe.'

'This payout is evidence that it is not safe. It's interesting that they will look at epilepsy and not autism, and you have to ask why.'

'Is it because the compensation would be billions?'

Parents have tried to get the medical profession and the Government to investigate their claims that MMR damaged their children but have failed so far.

A group of parents brought a case in 1993 which was blocked after their legal aid was withdrawn in 2003.

They claimed for various injuries including autism, Guillain-Barre syndrome, epilepsy, sensorineural deafness, diabetes and arthritis.

Robert's mother Jackie Fletcher, who set up the vaccine campaign group JABS, is one of a group of parents who continued to fight.

His compensation comes 12 years after the London-based paediatrician Andrew Wakefield claimed a link between MMR and autism.

He was struck off this year after the General Medical Council judged his research to be flawed.

Claiming compensation for any vaccine-related disability is notoriously difficult.

Mrs Fletcher said: 'Only one in 200 parents who applies to the Vaccine Damage Payment Scheme is successful in receiving compensation.'

'Claims for autism are not considered. There are 120 MMR cases waiting to be heard, but none is for autism.'

In America, 4,000 parents are claiming compensation for MMR damage, but again the courts will not officially look at cases where autism is mentioned.

However, cases involving autism do slip through the net.

Bailey Banks, who suffered seizures 16 days after receiving the MMR jab and was diagnosed with pervasive developmental disorder, an autistic condition, was paid compensation.

So was Ben Zeller, who suffered seizures, while Hannah Poling, who is autistic, was paid in secret.

Another 1,820 cases of brain damage caused by vaccines in the U.S., including MMR, have been settled in private.

Mrs Fletcher hopes that the 2,000 families registered with JABS will be awarded legal aid to continue their cases.

She says: 'We plan to talk to our MP Andy Burnham about the anomalies in the Vaccine Damage Payments Act, the main one being that you can apply for compensation only if a child has died after the age of two.'

'We have a number of children on our books who died younger after receiving MMR, but they are not eligible to claim.'

'Most vaccines are given at two, three and four months old, so this rule makes no sense.'

'Robert was 13 months old when he had his seizure and, under the rules today, he wouldn't be eligible to claim.'

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