

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 14-683V

Filed: September 12, 2014

R.T., deceased, by her father,
THOMAS M. TAFOYA

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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Ruling on Entitlement; Concession;
MMR; Varicella; Underlying
Immunodeficiency; Disseminated
Viremia; Death

RULING ON ENTITLEMENT¹

Vowell, Special Master:

On July 31, 2014, Thomas Tafoya filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² [the “Vaccine Act” or “Program”] on behalf of the estate of his minor daughter, R.T. The petition alleges that as a result of the administration of hepatitis A [“Hep-A”], measles-mumps-rubella [“MMR”], Varicella, Haemophilus Influenzae Type b [“Hib”], and pneumococcal conjugate [“Prevnar” or “PCV13”] vaccinations on July 10, 2013, R.T. suffered severe injuries and death. Petition at 1.

On September 11, 2014, respondent filed her Rule 4(c) Report [“Respondent’s Report”], in which she concedes that petitioner is entitled to compensation in this case. Respondent’s Report at 9. Specifically, respondent submits that “the medical records support the conclusion that the MMR and varicella vaccinations caused R.T.’s death. The records indicate that R.T. had an underlying immunodeficiency, and the

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, I intend to post this ruling and order on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to delete medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will delete such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2006).

administration of live varicella and MMR vaccines likely caused her to develop disseminated viremia, leading to her subsequent death.” *Id.* at 8. Respondent notes that no evidence of an alternative cause of R.T.’s death exists in the record. *Id.*

In view of respondent’s concession and the evidence before me, I find that petitioner is entitled to compensation.

s/Denise K. Vowell

Denise K. Vowell
Special Master