

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 14-1136V

Filed: February 6, 2015

Unpublished

JOSE GUADALUPE GARCIA, II,

Petitioner,

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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Ruling on Entitlement; Concession;
Meningococcal Vaccine; Vasovagal
Syncope; Special Processing Unit;

Larry Lee Thweatt, Jr., Esq., Terry & Thweatt, PC, Houston, TX for petitioner.

Lisa Watts, Esq., U.S. Department of Justice, Washington, DC for respondent.

RULING ON ENTITLEMENT¹

Vowell, Chief Special Master:

On November 21, 2014, Jose Guadalupe Garcia, II 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”]. Petitioner alleges that he suffered injuries resulting from fainting after receiving the meningitis vaccine on December 26, 2012. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On February 6, 2015, respondent filed her Rule 4(c) report in which she concedes “that compensation is appropriate” in this case. Respondent’s Rule 4(c) Report at 2. Specifically, respondent believes that “it is more likely than not that the administration of the meningococcal vaccine caused petitioner’s syncopal episode”

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, I intend to post it on the United States Court of Federal Claims’ website, in accordance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 redact 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 redact 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).

which caused his fall and facial and dental injuries. *Id.* at 3. Respondent further agrees that the jurisdictional issues are satisfied in this case. *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
Chief Special Master