

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 15-0034V

Filed: May 12, 2015

Unpublished

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RACHEL FAUCHER,

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Petitioner,

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v.

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Ruling on Entitlement; Concession;

Influenza or Flu Vaccine; Shoulder

Injury Related to Vaccine Administration

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SECRETARY OF HEALTH

("SIRVA"); Special Processing Unit

AND HUMAN SERVICES,

("SPU")

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Respondent.

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*Ronald Homer, Esq., Conway, Homer & Chin-Caplan, P.C., Boston, MA, for petitioner.*

*Claudia Gangi, Esq., U.S. Department of Justice, Washington, DC for respondent.*

### **RULING ON ENTITLEMENT**<sup>1</sup>

**Vowell**, Chief Special Master:

On January 12, 2015, Rachel Faucher filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,<sup>2</sup> [the "Vaccine Act" or "Program"]. Petitioner alleges that she suffered a shoulder injury related to vaccine administration (SIRVA) which was caused by the influenza vaccine she received on September 11, 2013. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On May 12, 2015, respondent filed her Rule 4(c) report in which she concedes that petitioner is entitled to compensation in this case. Respondent's Rule 4(c) Report at 4. Specifically, respondent "concludes that petitioner suffered a non-Table injury of SIRVA and that the preponderance of the medical evidence indicates that the injury was causally related to the flu vaccination she received on September 11, 2013." *Id.* at 3-4.

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<sup>1</sup> Because this unpublished ruling contains a reasoned explanation for the action in this case, I intend to post it on the United States Court of Federal Claims' website, in accordance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.

<sup>2</sup> 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).

Furthermore, respondent agrees that petitioner's injury lasted for more than six months and is not due to factors unrelated to the administration of the flu vaccine. *Id.* at 4.

**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