

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 15-201V

Filed: June 22, 2015

Unpublished

MARILYN AKYUZ,

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Petitioner,

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SECRETARY OF HEALTH

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AND HUMAN SERVICES,

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Respondent.

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Ruling on Entitlement; Concession;

Trivalent Influenza ("Flu");

Vaccine; Shoulder Injury

Related to Vaccine Administration

("SIRVA"); Special Processing Unit

("SPU")

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

Sarah Duncan, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

Vowell, Chief Special Master:

On March 2, 2015, Marilyn Akyuz 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 as a result of a trivalent influenza ["flu"] vaccination on October 7, 2013, she suffered a shoulder injury related to vaccine administration ["SIRVA"]. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On June 19, 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 5. Specifically, respondent indicates that "petitioner's alleged injury is consistent with a shoulder injury related to vaccine administration ['SIRVA']." *Id.* at 1, 5. Respondent further indicates petitioner has "satisfied all legal prerequisites for compensation under the Act." *Id.* at 5.

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, I intend to post it on the United States Court of Federal Claims' website, in accordance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

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