

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 15-0392V

Filed: October 30, 2015

Unpublished

LARA FELKER,

Petitioner,

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

*
*
*
*
*
*
*
*
*

Ruling on Entitlement; Concession;
Tetanus-diphtheria-acellular pertussis
("Tdap") Vaccine; Shoulder Injury
Related to Vaccine Administration
("SIRVA"); Special Processing Unit
("SPU")

*Jane Morrow, Otorowski, Johnston, et al., Bainbridge Island, WA, for petitioner.
Althea Davis, U.S. Department of Justice, Washington, DC, for respondent.*

RULING ON ENTITLEMENT¹

Dorsey, Chief Special Master:

On April 20, 2015, Lara Felker ("petitioner") 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 she suffered an injury to her left shoulder as a result of a tetanus-diphtheria-acellular pertussis ("Tdap") vaccine administered on September 22, 2014. Petition at 1. The case was assigned to the Special Processing Unit ("SPU") of the Office of Special Masters.

On October 29, 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 stated that petitioner's alleged injury is consistent with a shoulder injury related to vaccine administration ("SIRVA") and was caused in fact by the Tdap vaccine she received on September 22, 2014. *Id.*

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website,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, the undersigned agrees that the identified material fits within this definition, the undersigned 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 (2012).

Respondent identified no other causes for petitioner's SIRVA and determined, based on the medical evidence of record, that petitioner has suffered the condition for more than six months. *Id.* In light of the foregoing, respondent concluded that petitioner has satisfied all legal prerequisites for compensation under the Act. *Id.*

In view of respondent's concession and the evidence of record, the undersigned finds that petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Nora Beth Dorsey

Nora Beth Dorsey
Chief Special Master