

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 15-541V

Filed: September 10, 2015

Unpublished

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WINIFRED CAMPBELL,

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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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*Brian L. Cinelli, Marcus & Cinelli, LLP, Williamsville, NY, for petitioner.*

*Heather Pearlman, U.S. Department of Justice, Washington, DC, for respondent.*

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

**Dorsey**, Chief Special Master:

On May 27, 2015, Winifred Campbell 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 as a result of an influenza [“flu”] vaccination on October 23, 2013, she suffered adhesive capsulitis. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On September 9, 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 1, 4. Specifically, respondent indicates that she “believes that petitioner’s alleged injury is consistent with a shoulder injury related to vaccine administration (‘SIRVA’)” and that “petitioner met the statutory requirements by suffering the condition for more than six months.” *Id.* at 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 Because this unpublished ruling contains a reasoned explanation for the action in this case, I intend to post it on the United States Court of Federal Claims’ website, in accordance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 (2012).

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

IT IS SO ORDERED.

**s/Nora Beth Dorsey**

Nora Beth Dorsey  
Chief Special Master