

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 15-605V

Filed: September 30, 2015

Unpublished

MERRY MOORE,

Petitioner,

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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

Paul R. Brazil, Muller Brazil, LLP, for petitioner.

Ann Martin, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

Dorsey, Chief Special Master:

On June 15, 2015, Merry Moore 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 Tetanus-Diphtheria-acellular Pertussis ["Tdap"] vaccination on August 9, 2012, she suffered a shoulder injury. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On September 30, 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 "has determined that petitioner suffered a shoulder injury related to vaccine administration ('SIRVA') in her right shoulder, which was caused in fact by the administration of a Tdap vaccine on

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, I intend to post it on the United States Court of Federal Claims' website, in accordance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 (2012).

August 9, 2012.” *Id.* at 1. Respondent further indicates that petitioner’s “shoulder injury is not due to factors unrelated to the administration of this vaccine” and that “the statutory six month sequela requirement has been satisfied.” *Id.* at 4.

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