

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 15-625V

Filed: October 7, 2015

Unpublished

HOLLY SWENSON,

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Petitioner,

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SECRETARY OF HEALTH
AND HUMAN SERVICES,

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Respondent.

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Maximillian Muller, Muller Brazil, LLP, Philadelphia, PA, for petitioner.

Darryl Wishard, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

Dorsey, Chief Special Master:

On June 18, 2015, Holly Swenson 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 her Tetanus-diphtheria-acellular pertussis (“Tdap”) vaccination, she experienced a shoulder injury. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On October 7, 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. Specifically, respondent states that “DICP that concluded that petitioner’s alleged injury is consistent with shoulder injury related to vaccine administration (‘SIRVA’), and that it was caused in fact by the Tdap vaccine she received on or about August 21,

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, I intend to post it on the United States Court of Federal Claims’ website, in accordance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

2014.” *Id.* at 5. Respondent further indicates that no other cause for petitioner’s SIRVA has been identified and that petitioner’s injury lasted for more than six months. *Id.*

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

s/Nora Beth Dorsey

Nora Beth Dorsey
Chief Special Master