

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 15-0801V

Filed: November 9, 2015

Unpublished

JENNIFER CIRILLO,

Petitioner,

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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Ruling on Entitlement; Concession;
Influenza ("flu") Vaccine; Shoulder Injury
Related to Vaccine Administration
("SIRVA"); Special Processing Unit
("SPU")

Diana Sedar, Maglio Christopher and Toale, PA, Sarasota, FL, for petitioner.

Lynn Ricciardella, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

Dorsey, Chief Special Master:

On July 28, 2015, Jennifer Cirillo ("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 received a trivalent influenza ("flu") vaccine on October 2, 2014, and thereafter suffered a shoulder injury related to vaccine administration ("SIRVA"). Petition at 2. The case was assigned to the Special Processing Unit ("SPU") of the Office of Special Masters.

On November 6, 2015, respondent filed a Rule 4(c) report in which she conceded entitlement to compensation. Respondent's Rule 4(c) Report at 1, 4. Specifically, respondent concluded that the preponderance of evidence establishes that the injury to petitioner's right shoulder was caused by the administration of the October 2, 2014, flu vaccine, and that petitioner's injury is not due to factors unrelated to the administration of that vaccine. *Id.* at 4. Additionally, respondent stated that the medical evidence

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website,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

reflects that petitioner has suffered the condition for more than six months. *Id.* In light of the foregoing, respondent has concluded that petitioner's right shoulder injury is compensable 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