

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

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CATHERINE A. FERDETTA,

Petitioner,

v.

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

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No. 15-835V

Special Master Christian J. Moran

Filed: October 9, 2015

Concession; SIRVA

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Daniel R. Gage, Gage Fiore, LLC, Lawrenceville, NJ, for petitioner;

Glenn MacLeod, United States Department of Justice, Washington, DC, for respondent.

### **UNPUBLISHED RULING FINDING ENTITLEMENT TO COMPENSATION<sup>1</sup>**

On August 5, 2015, Catherine A. Ferdetta filed a petition under the National Childhood Vaccine Injury Act, 42 U.S.C. §300a—10 through 34, alleging that she suffered a shoulder injury related to her receipt of the tetanus, diphtheria, acellular pertussis (“Tdap”) vaccine on August 16, 2012.

In her Rule 4(c) report, respondent states that “petitioner’s left shoulder SIRVA injury is compensable.” Resp’t Rep’t, filed Oct. 6, 2015, at 3. Respondent adds that the Division of Injury Compensation Program, Department of Health and Human Services, has reviewed the facts of this case and has concluded that the alleged injury lasted more than six months.

Special masters may determine whether a petitioner is entitled to compensation based upon the record. A hearing is not required. 42 U.S.C. § 300aa-13; Vaccine Rule 8(d). Based upon a review of the record as a whole, the undersigned finds that petitioner has established that she is entitled to compensation for her injury.

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<sup>1</sup> The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

**Accordingly, Ms. Ferdetta is entitled to compensation.** A status conference remains set for **Wednesday, October 21, 2015 at 10:00 A.M Eastern Time**, to discuss the process for quantifying the amount of damages to which Ms. Ferdetta is entitled.

Any questions may be directed to my law clerk, Dan Hoffman, at (202) 357-6360.

**IT IS SO ORDERED.**

s/Christian J. Moran

Christian J. Moran

Special Master