

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 15-0871V

Filed: December 18, 2015

Unpublished

VIVIAN SICHERMAN,

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

Amy Kokot, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

Dorsey, Chief Special Master:

On August 13, 2015, Vivian Sicherman (“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 an influenza (“flu”) vaccine on September 28, 2014, and thereafter suffered a left shoulder injury. Petition at 1-2. The case was assigned to the Special Processing Unit (“SPU”) of the Office of Special Masters.

On December 17, 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, based on her review of the evidence, that petitioner’s alleged injury is consistent with a shoulder injury related to vaccine administration (“SIRVA”) and that it was caused-in-fact by the administration of the flu vaccine she received on September 28, 2014. *Id.* at 4. Respondent further stated that

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims’ website,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

the medical evidence shows petitioner has suffered the condition for more than six months. *Id.* No other causes for petitioner's SIRVA were identified by respondent. *Id.* Petitioner has therefore satisfied all legal prerequisites for compensation under the Vaccine 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