

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 15-901V

Filed: March 7, 2016

Unpublished

JEANETTE STANCARONE,

Petitioner,

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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Ruling on Entitlement; Concession;
Influenza;
Shoulder Injury ("SIRVA");
Special Processing Unit ("SPU")

Robert Krakow, Law Office of Robert J. Krakow, PC, New York, NY, for petitioner.

Camille Michelle Collett, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

Dorsey, Chief Special Master:

On August 19, 2015, 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 experienced a left shoulder injury following receipt of her October 6, 2014 influenza vaccination. Petition at 2-3. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On March 4, 2016, 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 "believes that the alleged injury is consistent with a shoulder injury related to vaccine administration ("SIRVA") and these conditions were caused in fact by the influenza vaccine she received on October 6, 2014." *Id.* at 5. Respondent further agrees that no other cause of petitioner's injury has been identified,

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website,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. 44 U.S.C. § 3501 note (2012)(Federal Management and Promotion of Electronic Government Services). 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).

that petitioner has suffered her condition for more than six months, and that petitioner has satisfied all legal prerequisites for compensation under the Vaccine Act. *Id.*

In view of respondent's concession and the evidence before me, the undersigned finds that petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Nora Beth Dorsey

Nora Beth Dorsey
Chief Special Master