

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 16-0167V

Filed: June 20, 2016

UNPUBLISHED

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MELISSA LOPEZ and ADAM  
GONZALEZ, on behalf of L.G., a minor

Petitioner,  
v.

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

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Ruling on Entitlement; Concession;  
Rotavirus Vaccine; Intussusception;  
Bowel Resection; Special Processing  
Unit ("SPU")

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*Michael Andrew London, Douglas & London, P.C., New York, NY, for petitioner.*  
*Claudia Barnes Gangi, U.S. Department of Justice, Washington, DC, for respondent.*

### **RULING ON ENTITLEMENT**<sup>1</sup>

**Dorsey**, Chief Special Master:

On February 3, 2016, Melissa Lopez and Adam Gonzalez (hereinafter "petitioners"), on behalf of L.G., a minor, filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,<sup>2</sup> (the "Vaccine Act"). Petitioners alleged that L.G. suffered intussusception, bowel resection, and the sequela as a result of a rotavirus vaccine administered to L.G. on April 9, 2015, when L.G. was 4 months old. Petition at 1. The case was assigned to the Special Processing Unit ("SPU") of the Office of Special Masters.

On June 20, 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 states that "L.G. suffered intussusception within the Table

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 Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website,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

<sup>2</sup> 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).

Definition.” *Id.* at 5. Respondent further agrees that petitioners have met the statutory requirements for entitlement to compensation. *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