

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 16-266V

Filed: August 22, 2018

UNPUBLISHED

ARMANDO TINOCO,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Special Processing Unit (SPU);  
Ruling on Entitlement; Uncontested;  
Causation-In-Fact; Influenza (Flu)  
Vaccine; Guillain-Barre Syndrome  
(GBS)

*Mari Colleen Bush, Mari C. Bush, LLC, Boulder, CO, for petitioner.*

*Ryan Daniel Pyles, U.S. Department of Justice, Washington, DC, for respondent.*

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

**Dorsey**, Chief Special Master:

On February 25, 2016, petitioner 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”). Petitioner alleges that he received an influenza (“flu”) vaccination on or about February 28, 2013, and as a result of the vaccination, developed Guillain-Barre Syndrome (“GBS”). Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On August 20, 2018, respondent filed his Rule 4(c) report in which he states that he does not contest that petitioner is entitled to compensation in this case. Respondent’s Rule 4(c) Report at 3. Specifically, respondent agrees that, based on the Court’s April 6, 2017 Fact Ruling (ECF No. 34), petitioner suffered GBS following the

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 Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims’ website,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

administration of a seasonal flu vaccination, and that the onset occurred within the time period specified in the Vaccine Injury Table. *Id.* at 3. Respondent noted that the revised Table that includes GBS only governs petitions filed on or after March 21, 2017. “However, respondent recognizes that petitioner may re-file his petition and be afforded a presumption of causation under the revised table.” Accordingly, petitioner stated that he does not contest entitlement to compensation in this case. *Id.*

**In view of respondent’s position 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