

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 16-320V

Filed: June 15, 2016

Unpublished

CHRISTINE MINERS, *

*

Petitioner, *

*

v. *

*

SECRETARY OF HEALTH *

*

AND HUMAN SERVICES, *

*

Respondent. *

*

*

Franklin John Caldwell, Jr., Maglio, Christopher & Toale, PA, Sarasota FL, for petitioner. Ann Martin, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

Dorsey, Chief Special Master:

On March 11, 2016, Christine Miners (“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 suffers from a shoulder injury to include “mild adhesive capsulitis with impingement type symptoms” caused by the influenza vaccine she received on October 6, 2014. Petition at ¶¶ 1, 4, 6, 8. Petitioner further alleges that she has suffered the residual effects of her injury for more than six months and that neither she nor any other party has brought an action for her vaccine related injuries. Id. at ¶¶ 5, 7, 10. The case was assigned to the Special Processing Unit of the Office of Special Masters.

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website,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 (2012)). 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).

On June 13, 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 "has determined that petitioner's left shoulder injury is consistent with SIRVA, and that it was caused in fact by the flu vaccine she received on October 6, 2014." *Id.* at 4. Respondent further indicates that "petitioner has met the statutory requirements for entitlement to compensation." *Id.* (citations omitted).

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

IT IS SO ORDERED.

s/Nora Beth Dorsey
Nora Beth Dorsey
Chief Special Master