In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS
No. 16-660V
Filed: August 24, 2016
UNPUBLISHED

GAYLE E. GAGNE,	*	
	*	
Petitioner,	*	Ruling on Entitlement; Concession;
v.	*	Influenza ("Flu"); Shoulder Injury
	*	Related to Vaccine Administration
SECRETARY OF HEALTH	*	("SIRVA")
AND HUMAN SERVICES,	*	Special Processing Unit ("SPU")
	*	
Respondent.	*	
	*	

Kathy Lee, Cline, Farrell, et al, Indianapolis, IN, for petitioner.
Ann Martin, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT[1]

Dorsey, Chief Special Master:

On June 3, 2016, 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"). Petitioner alleges that she suffered a shoulder injury related to vaccine administration ("SIRVA") to her left shoulder following a September 16, 2014 influenza ("flu") vaccination. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On August 23, 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 determined that petitioner's left shoulder injury is consistent with a SIRVA, and that it was caused in fact by the flu vaccine she received on September 16, 2014 *Id.* at 4. Respondent further agrees that petitioner has met the statutory requirements for entitlement to compensation. *Id.*

[1] Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website,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

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