

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 16-0812V

Filed: November 15, 2016

UNPUBLISHED

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REBEKAH R. CODDE,  
As parent and legal representative of  
her minor daughter, I.R.H.,

Petitioner,

v.

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

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Ruling on Entitlement; Concession;  
DTaP, Varicella, Hib Vaccines; Cellulitis;  
Scar; Special Processing Unit ("SPU")  
Special Processing Unit ("SPU")

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*Elizabeth M. Muldowney, Rawls, McNelis & Mitchell, P.C., Richmond, VA, for petitioner.  
Christine Mary Becer, U.S. Department of Justice, Washington, DC, for respondent.*

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

**Dorsey**, Chief Special Master:

On July 8, 2016, Rebeka R. Codde ("petitioner") on behalf of her daughter, I.R.H., 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 I.R.H. received the DTaP, varicella, and Hib vaccines on August 21, 2014, and thereafter I.R.H. suffered from cellulitis and a scar which was caused-in-fact by the vaccines. See Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On November 10, 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 "a preponderance of evidence

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 Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website,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

establishes that I.R.H.'s cellulitis was caused-in-fact by the administration of her August 21, 2014 varicella, DTaP, and Hib vaccines, and that I.R.H.'s injury is not due to factors unrelated to the administration of the vaccines." *Id.* at 2-3. Respondent further agrees that the statutory six month sequela requirement has been satisfied. *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