

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 16-1332V

Filed: January 24, 2017

UNPUBLISHED

MICHELE M. PHILLIPS,

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Petitioner,

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v.

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SECRETARY OF HEALTH

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AND HUMAN SERVICES,

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Respondent.

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Michael Elio Ciccolini, Ciccolini & Associates Co., LPA, Akron, OH, for petitioner.

Douglas Ross, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

Dorsey, Chief Special Master:

On October 13, 2016, Michele M. Phillips (“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”), including bursitis and a rotator cuff tear in her right shoulder as a result of being administered an influenza (“flu”) on October 25, 2013. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On January 24, 2017, 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 “petitioner suffered a non-Table injury of SIRVA and that the preponderance of the medical evidence indicates that the injury was causally related to the flu vaccine she received on October 25, 2013.” *Id.* at

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims’ website,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

4. Respondent further agrees that no other “causes for petitioner’s SIRVA” were identified and that “petitioner met the statutory requirements by suffering her condition for more than six months”. *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