

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 16-1437V

Filed: June 2, 2017

UNPUBLISHED

CLARA ALLEVATO,

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Petitioner,

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v.

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Ruling on Entitlement; Concession;

Pneumococcal conjugate;

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Shoulder Injury; SIRVA;

SECRETARY OF HEALTH

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Special Processing Unit ("SPU")

AND HUMAN SERVICES,

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Respondent.

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Jeffrey S. Pop, Jeffrey S. Pop & Associates, Beverly Hills, CA, for petitioner.

Christine Mary Becer, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

Dorsey, Chief Special Master:

On October 31, 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 received a Prevnar pneumococcal conjugate vaccine on November 23, 2015, and thereafter suffered a right shoulder injury that was caused-in-fact by the vaccine. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On May 24, 2017, respondent filed his Rule 4(c) report in which he concedes that petitioner is entitled to compensation in this case. Respondent's Rule 4(c) Report at 1. Specifically, respondent "has concluded that a preponderance of evidence establishes that the injury to petitioner's right shoulder was caused-in-fact by the administration of her November 23, 2015 Prevnar vaccine, and that petitioner's injury is not due to factors unrelated to the administration of the Prevnar vaccine." *Id.* at 3. Respondent further

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website,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

agrees that petitioner suffered sequela of her injury lasting more than six months and that “her right shoulder injury is compensable as a “caused-in-fact” injury under the [Vaccine] Act.” *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