In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS
No. 16-1625V
Filed: June 29, 2017
UNPUBLISHED

JANINE FONFARA, Petitioner, v. SECRETARY OF HEALTH AND HUMAN SERVICES, Respondent.	Special Processing Unit (SPU); Ruling on Entitlement; Uncontested; Causation-In-Fact; Influenza (Flu) Vaccine; Shoulder Injury Related to Vaccine Administration (SIRVA)

Anne C. Toale, Maglio Christopher & Toale, PA, Sarasota, FL, for petitioner.
Jason C. Bougere, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT[1]

Dorsey, Chief Special Master:

On December 7, 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 an injury to her left shoulder as a result of receiving an influenza ("flu") vaccine on October 13, 2015. Petition at 1. The case was assigned to the Special Processing Unit ("SPU") of the Office of Special Masters.

On June 29, 2017, respondent filed his Rule 4(c) Report in which he states that he does not contest entitlement to compensation in this case. Respondent's Rule 4(c) Report at 1. Specifically, respondent concluded that petitioner's injury is consistent with a shoulder injury related to vaccine administration ("SIRVA") and that it was caused in

[1] Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website,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

fact by the flu vaccine she received on October 13, 2015. *Id.* at 5. Respondent further agrees that petitioner has met the statutory requirements by suffering the condition for more than six months. *Id.*

In view of respondent's position and the evidence of record, the undersigned finds that petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Nora Beth Dorsey
Nora Beth Dorsey
Chief Special Master