

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 17-0597V

Filed: January 19, 2018

UNPUBLISHED

SHAWNTA GILLESPIE,

Petitioner,

v.

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

Special Processing Unit (SPU);  
Ruling on Entitlement; Concession;  
Table Injury; Influenza (Flu) Vaccine;  
Shoulder Injury Related to Vaccine  
Administration (SIRVA)

*Shealene Priscilla Wasserman, Muller Brazil, LLP, Dresher, PA, for petitioner.  
Mallori Browne Openchowski, U.S. Department of Justice, Washington, DC, for  
respondent.*

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

**Dorsey**, Chief Special Master:

On May 3, 2017, Shawnta Gillespie (“petitioner”) 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 she suffered “right shoulder adhesive capsulitis, bursitis, tendinitis, and right axillary nerve neuritis” as a result of an influenza (“flu”) vaccine administered to her on November 4, 2014. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On January 19, 2018, 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 believes that petitioner’s alleged injury identified as right

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 Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims’ website,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

shoulder adhesive capsulitis, bursitis, and tendinitis is consistent with a shoulder injury related to vaccine administration ("SIRVA"), as defined by the Vaccine Injury Table. *Id.* at 5. Petitioner had no history of pain, inflammation, or dysfunction of her left shoulder; medical records documents that pain occurred within 48 hours after receipt of an intramuscular vaccination; pain was limited to the shoulder in which the vaccine was administered; and no other condition or abnormality has been identified to explain petitioner's shoulder pain. *Id.* Additionally, based on the medical records outlined in the Rule 4(c) report, respondent agrees that petitioner suffered the residual effects of her 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