

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 17-0609V

Filed: September 4, 2018

UNPUBLISHED

EVANGELINA SALINAS,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Special Processing Unit (SPU);
Ruling on Entitlement; Concession;
Causation-In-Fact; Pneumococcal
Conjugate Vaccine; Cellulitis and
Sepsis

Nancy Routh Meyers, Ward Black Law, Greensboro, NC, for petitioner.

Amy Paula Kokot, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

Dorsey, Chief Special Master:

On May 5, 2017, 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 from sepsis as a result of left arm cellulitis caused by her July 22, 2016 Prevnar 13 pneumococcal conjugate vaccination. Petition at 1-2. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On August 31, 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 “has concluded that petitioner had cellulitis in her left arm and sepsis, which were caused-in-fact by the Prevnar vaccination she received on July

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims’ website,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

22, 2016.” *Id.* at 3. Respondent further agrees that he has not identified any other causes for petitioner’s injury and “based on the medical records outlined above, petitioner’s injuries and their sequela persisted for more than six months after the administration of the vaccine.” *Id.* at 3-4.

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