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Ruling on Entitlement; Influenza (“flu”) Vaccine; Shoulder Injury Related to Vaccine Administration (SIRVA)

Respondent.

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³ The Vaccine Program comprises Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755 (codified as amended at 42 U.S.C. §§ 300aa-10–34 (2012)) (hereinafter

Vaccine Administration (“SIRVA”) as a result of the influenza (“flu”) vaccination she received on September 2, 2017. Pet. at 1.

On June 10, 2020, I ruled that the onset of Ms. Walker’s shoulder injury occurred within 48 hours of vaccination. ECF No. 35. On September 24, 2020, Respondent filed an amended Rule 4(c) Report. Amended Resp’t’s Rep., ECF No. 42.

In the Amended Rule 4(c) Report, Respondent advised that “he will not defend this case on other grounds during further proceedings before the Office of Special Masters,” but reserved his right to appeal the factual finding. Amended Resp’t’s Rep. at 2. Respondent indicated that Ms. Walker “has otherwise satisfied the criteria set forth in the Vaccine Injury Table and the Qualifications and Aids to Interpretation (“QAI”) for SIRVA.” *Id.* Respondent requested that I decide the issue of entitlement based on the existing record. *Id.*

In view of Respondent’s position and the evidence of record, I find that the Petitioner is entitled to compensation.

IT IS SO ORDERED.

s/ Katherine E. Oler
Katherine E. Oler
Special Master

“Vaccine Act” or “the Act”). All subsequent references to sections of the Vaccine Act shall be to the pertinent subparagraph of 42 U.S.C. § 300aa.