

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 19-365V

UNPUBLISHED

R. W-J.,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Originally Filed: April 2, 2020
Filed in Redacted Form: May 14,
2020

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

Ronald Craig Homer, Conway, Homer, P.C., Boston, MA, for petitioner.

Voris Edward Johnson, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

On March 11, 2019, R. W-J. filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,² (the “Vaccine Act”) and subsequently filed an amended petition on December 19, 2019. Petitioner alleges that she suffered a shoulder injury related to vaccine administration (“SIRVA”) caused by a flu vaccine administered on September 17, 2016. Amended Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On April 1, 2020, 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 agrees that Petitioner suffered a Table injury of right SIRVA.

¹ When this decision was originally filed the undersigned advised his intent 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 filed a timely motion to redact certain information. This decision is being reissued with Petitioner’s name redacted to her initials. Except for those changes and this footnote, no other substantive changes have been made. This decision will be posted on the court’s website with no further opportunity to move for redaction.

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).

Respondent did not identify any other causes for Petitioner's right SIRVA, and based on the medical records outlined above, Petitioner met the statutory requirements by experiencing six months of residual effects. *Id.* at 4.

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

IT IS SO ORDERED.

s/Brian H. Corcoran

Brian H. Corcoran
Chief Special Master