

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 23-293V

SAMUEL SMITH *and* JESSICA SMITH  
*on behalf of J.S., a minor child,*

Petitioners,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: June 26, 2024

*Diana L. Stadelnikas, Maglio Christopher and Toale, PA, Sarasota, FL, for Petitioners.*

*Neil Bhargava, U.S. Department of Justice, Washington, DC, for Respondent.*

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

On February 28, 2023, Samuel and Jessica Smith 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”) on behalf of their minor child J.S. Petitioners allege that J.S. suffered from immune thrombocytopenia purpura (“ITP”) as a result of a measles, mumps, rubella, and varicella vaccine (“MMRV vaccine”) administered on December 14, 2020. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On June 24, 2024, Respondent filed his Rule 4(c) report in which he concedes that Petitioners are entitled to compensation in this case. Respondent’s Rule 4(c) Report at 1.

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<sup>1</sup> Because this Ruling contains a reasoned explanation for the action taken in this case, it must be made publicly accessible and will be posted on the United States Court of Federal Claims' website, and/or at <https://www.govinfo.gov/app/collection/uscourts/national/cofc>, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2018) (Federal Management and Promotion of Electronic Government Services). **This means the Ruling will be available to anyone with access to the internet.** 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, I agree that the identified material fits within this definition, I 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 section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2018).

Specifically, Respondent notes that petitioners have satisfied the criteria of an “On-Table” injury as set forth in the Table and the Qualifications and Aids to Interpretation (“QAI”). See 42 C.F.R. §§ 100.3(a)(V)(A), 100.3(c)(7). *Id.* at 17.

**In view of Respondent’s position and the evidence of record, I find that Petitioners are entitled to compensation.**

**IT IS SO ORDERED.**

**s/Brian H. Corcoran**  
Brian H. Corcoran  
Chief Special Master