

IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS

No. 13-0739V

Filed: January 24, 2014

SHAVARA PERKINS

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Petitioner,

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Conceded; Influenza Vaccine;

v.

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Injection Related Shoulder Injury

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SECRETARY OF HEALTH

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AND HUMAN SERVICES,

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Respondent.

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RULING ON ENTITLEMENT¹

Vowell, Chief Special Master:

On September 25, 2013, Shavara Perkins [“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” or “Program”]. On November 25, 2013, petitioner filed an amended petition. The amended petition alleges that petitioner received the influenza vaccine on October 5, 2010, and suffered as a result an injection related shoulder injury, including, but not limited to, neuritis, bursitis, complex regional pain syndrome, reflex dystrophy syndrome, and chronic pain syndrome. Amended Petition at 1.

On January 24, 2014, respondent filed her Rule 4(c) report [“Respondent’s Report”], in which she concedes that petitioner is entitled to compensation in this case. Respondent’s Report at 6. Specifically, respondent submits that “[i]n light of petitioner’s medical records, respondent has concluded that petitioner’s injury is compensable as a ‘caused-in-fact’ injury under the Vaccine Act.” *Id.*; See §13(a)(1). Respondent also

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, I intend to post this ruling on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to delete 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 delete 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 (2006).

agrees the evidence demonstrates that the statutory six month sequelae requirement has been satisfied. Respondent's Report at 6.

In view of respondent's concession and the evidence before me, I find entitlement to compensation based on an injury that was caused-in-fact by a covered vaccine. 42 C.F.R. § 100.3(a)(XIV). A separate damages order will issue.

IT IS SO ORDERED.

s/ Denise K. Vowell
Denise K. Vowell
Chief Special Master