

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS

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JAMES KING,	*	
	*	No. 13-962V
Petitioner,	*	Special Master Christian J. Moran
	*	
v.	*	Filed: February 18, 2014
	*	
SECRETARY OF HEALTH	*	Stipulation; influenza (“flu”)
AND HUMAN SERVICES,	*	vaccine; shoulder injury related
	*	to vaccine administration; SIRVA.
Respondent.	*	

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William E. Cochran , Jr., Black, McLaren, et al., Memphis, TN, for petitioner;
Darryl R. Wishard, United States Department of Justice, Washington, DC, for
respondent.

UNPUBLISHED RULING FINDING ENTITLEMENT¹

On December 6, 2013, James King filed a petition under the National Childhood Vaccine Injury Act, 42 U.S.C. §300a—10 et. seq., alleging that he suffered a shoulder injury related to his receipt influenza (“flu”) vaccine on October 14, 2014.

In her Rule 4(c) report, respondent states that “this case is appropriate for compensation...” Resp’t’s Rep’t, filed Feb 10, 2014, at 1. Respondent adds that the Division of Vaccine Injury Compensation, Department of Health and Human Services, has reviewed the facts of this case and has concluded that the alleged injury, lasting for more than six months, “is consistent with a shoulder injury related to vaccine administration (‘SIRVA’),” and thus that “petitioner met the statutory requirements for entitlement to compensation.” Id. at 4.

¹ The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

Special masters may determine whether a petitioner is entitled to compensation based upon the record. A hearing is not required. 42 U.S.C. § 300aa-13; Vaccine Rule 8(d). Based upon a review of the record as a whole, the undersigned finds that petitioner has established that he is entitled to compensation for his injury.

Accordingly, Mr. King is entitled to compensation. A status conference is set, sua sponte, for **Monday, March 17, 2014 at 2:00 P.M. Eastern Time**, to discuss the process for quantifying the amount of damages to which Mr. King is entitled.²

Any questions may be directed to my law clerk, Mary Holmes, at (202) 357-6353.

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master

² All preexisting deadlines are CANCELLED. In anticipation of the status conference, petitioner shall begin gathering the materials respondent requests in her Rule 4 Report. Resp't's Rep't at 4.