

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 14-574V

Filed: October 15, 2014

LINDA COTHERN,

Petitioner,

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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Ruling on Entitlement; Concession;
Trivalent Influenza (Flu) Vaccine;
Shoulder Injury Related to Vaccine
Administration; SIRVA

RULING ON ENTITLEMENT¹

Vowell, Chief Special Master:

On July 7, 2014, Linda Cothorn 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”]. Petitioner alleged that she suffered a shoulder injury which was caused by the influenza vaccine she received on September 26, 2013. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On October 15, 2014, respondent filed her Rule 4(c) report [“Res. Report”] in which she concedes that petitioner is entitled to compensation in this case. Res. Report at 3. Specifically, respondent indicates “that petitioner’s alleged injury is consistent with a shoulder injury related to vaccine administration (“SIRVA”) and that it was caused in fact by the flu vaccine she received on September 26, 2013.” *Id.* Respondent agrees that petitioner’s injury lasted for more than six months and that no other causes for petitioner’s injury can be identified. *Id.*

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, I intend to post it on the United States Court of Federal Claims’ website, in accordance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 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.

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).

In view of respondent's concession and the evidence before me, I find that petitioner is entitled to compensation.

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