

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 14-968V

Filed: January 9, 2015

PAULA NILSEN,

Petitioner,

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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Ruling on Entitlement; Concession;
Tetanus Diphtheria Vaccine; Special
Processing Unit; Shoulder Injury
Related to Vaccine Administration;
SIRVA

*Danielle Strait, Esq., Maglio, Christopher and Toale, PC Washington, DC, for petitioner.
Debra Begley, Esq., U.S. Dept. of Justice, Washington, DC for respondent.*

RULING ON ENTITLEMENT¹

Vowell, Chief Special Master:

On October 8, 2014, Paula Nilsen 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 alleges that she suffered a shoulder injury which was caused by the tetanus diphtheria [“Td”] vaccine she received on March 14, 2013. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On January 8, 2015, 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 4. Specifically, respondent indicates that she “that the injury to petitioner’s right shoulder was caused by the administration of her March 14, 2013 Td vaccine.” *Id.* Respondent agrees that petitioner’s injury lasted for more than six months and “is not due to factors unrelated to the administration of the March 14, 2013 Td vaccine.” *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¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, I intend to post it on the United States Court of Federal Claims’ website, in accordance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