

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 14-988V

Filed: February 6, 2015

Unpublished

\*\*\*\*\*

PAULA SIMS,

Petitioner,

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

Ruling on Entitlement; Concession;  
Influenza or Flu Vaccine;  
Shoulder Injury Related to Vaccine  
Administration; SIRVA; Special  
Processing Unit

\*\*\*\*\*

*Patricia Finn, Esq., Piermont, NY for petitioner.*

*Justine Walters, Esq., U.S. Department of Justice, Washington, DC for respondent.*

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

**Vowell**, Chief Special Master:

On October 15, 2014, Paula Sims 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” or “Program”]. Petitioner alleges that she suffered a shoulder injury which was caused in fact by the influenza vaccination she received on October 17, 2011. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On February 6, 2015, respondent filed her Rule 4(c) report in which she concedes “that petitioner is entitled to compensation for the left shoulder injury she sustained following receipt of her October 17, 2011, flu vaccination.” Respondent’s Rule 4(c) Report at 1. Respondent believes “that petitioner’s injury is consistent with a shoulder injury related to vaccine administration (“SIRVA”), and that petitioner’s injury is

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 Because this unpublished ruling contains a reasoned explanation for the action in this case, I intend to post it on the United States Court of Federal Claims’ website, in accordance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

<sup>2</sup> 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).

not due to factors unrelated to her October 17, 2011, flu vaccination.” *Id.* at 4.  
Respondent further agrees that the other statutory and jurisdictional issues are satisfied in this case. *Id.*

**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