

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 15-0305V

Filed: August 4, 2015

Unpublished

ERICH MICHAEL GRAM,

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Petitioner,

*

v.

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Ruling on Entitlement; Concession;

Trivalent Influenza (“Flu”) Vaccine;

Shoulder Injury Related to Vaccine

SECRETARY OF HEALTH

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Administration (“SIRVA”);

AND HUMAN SERVICES,

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Special Processing Unit (“SPU”)

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Respondent.

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Dan Bolton, III, Esq., Bolton Law, PLLC, Cary, NC, for petitioner.

Michael Milmoe, Esq., U.S. Department of Justice, Washington, DC for respondent.

RULING ON ENTITLEMENT¹

Vowell, Chief Special Master:

On March 25, 2015, Erich Michael Gram 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 he suffered a shoulder injury related to vaccine administration [“SIRVA”] caused by the trivalent influenza vaccine he received on October 23, 2013. Petition at 1, ¶ 2. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On August 3, 2015, respondent filed her Rule 4 report in which she concedes that “this case is appropriate for compensation under the terms of the Act based on causation-in-fact.” Respondent’s Rule 4 Report at 1. Specifically, respondent “concluded that petitioner’s alleged injury is consistent with SIRVA, and that it was caused in fact by the flu vaccine he received on October 23, 2013.” *Id.* at 5.

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, I intend to post it on the United States Court of Federal Claims’ website, in accordance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

Furthermore, respondent “did not identify any other causes for petitioner’s SIRVA, and based on the medical records outlined above, petitioner met the statutory requirements for entitlement to compensation.” *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