

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 15-0474V

Filed: July 13, 2015

Unpublished

JAMES and JOY PERALES, *
on behalf of J.P., a minor, *

Petitioners, *

v. *

Ruling on Entitlement; Concession;
Rotavirus Vaccine; Intussusception
Requiring Surgical Intervention;
Special Processing Unit ("SPU")

SECRETARY OF HEALTH *
AND HUMAN SERVICES, *

Respondent. *

John Howie, Jr., Howie Law, P.C., Dallas, TX, for petitioners.

Lisa Watts, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

Vowell, Chief Special Master:

On May 11, 2015, James and Joy Perales ("petitioners") filed a petition for compensation on behalf of J.P., their minor child, under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,² (the "Vaccine Act" or "Program"). The petition alleges that as a result of a rotavirus vaccination on May 12, 2014, J.P. suffered an intussusception requiring surgical intervention. The case was assigned to the Special Processing Unit of the Office of Special Masters ("SPU").

On July 13, 2015, respondent filed her Rule 4(c) report ["Res. Report"], wherein she concedes entitled to compensation in this case. Resp. Report at 4. Specifically,

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, I intend to post it on the United States Court of Federal Claims' website, in accordance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

respondent “concluded that J.P.’s intussusception was caused-in-fact by the rotavirus vaccine that he received on May 12, 2014.” *Id.* at 3. Additionally, petitioners have satisfied all legal prerequisites and other requirements for compensation under the Vaccine Act. *Id.* at 3-4.

In view of respondent’s concession and the evidence before me, I find that petitioners are entitled to compensation.

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