

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 15-0609V

Filed: August 6, 2015

Unpublished

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THEODORE JOHN THIES, \*

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Petitioner, \*

\*

v. \*

\*

Ruling on Entitlement; Concession;  
Influenza (“flu”) Vaccine; Shoulder  
Injury Related to Vaccine Administration  
 (“SIRVA”); Special Processing Unit  
 (“SPU”)

SECRETARY OF HEALTH \*

AND HUMAN SERVICES, \*

\*

Respondent. \*

\*

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*Jeffrey Pop, Attorney at Law, Beverly Hills, CA, for petitioner.*

*Douglas Ross, U.S. Department of Justice, Washington, DC, for respondent.*

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

**Vowell**, Chief Special Master:

On June 16, 2015, Theodore John Thies (“petitioner”) 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”]. The petition alleges that as a result of an influenza (“flu”) vaccination on October 9, 2013, petitioner suffered a shoulder injury related to vaccine administration (“SIRVA”). Petition at 2. The case was assigned to the Special Processing Unit (“SPU”) of the Office of Special Masters.

On August 5, 2015, respondent filed her Rule 4(c) Report [“Res. Report”], in which she concedes that petitioner is entitled to compensation in this case. Resp. Report at 3. Specifically, respondent concluded that “petitioner suffered a non-Table

<sup>1</sup> Because this unpublished ruling contains a reasoned explanation for the action in this case, it will be posted on the United States Court of Federal Claims’ website, in accordance with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 (2012).

injury of SIRVA and that the preponderance of the medical evidence indicates that the injury was causally related to the flu vaccination he received on October 9, 2013.” *Id.* at 2. Additionally, based on the evidence of record, petitioner has satisfied all legal prerequisites and other requirements for compensation under the Vaccine Act. *Id.* at 3.

**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