

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 15-0845V

Filed: April 8, 2016

Unpublished

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GLORIA KEYES,

Petitioner,

v.

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

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

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*Paul R. Brazil, Muller Brazil, LLP, Dresher, PA, for petitioner.*

*Ann D. Martin, U.S. Department of Justice, Washington, DC, for respondent.*

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

**Dorsey**, Chief Special Master:

On August 7, 2015, Gloria Keyes (“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”). Petitioner alleges that as a result of receiving an influenza (“flu”) vaccine on November 24, 2014, she suffered tendonitis and disorders of bursae and tendons in her left shoulder. Pet. at 1. The case was assigned to the Special Processing Unit (“SPU”) of the Office of Special Masters.

On April 8, 2016, respondent filed her Rule 4(c) Report in which she concedes that petitioner is entitled to compensation in this case. Rule 4(c) Rep. at 1. In her report, respondent stated that she reviewed the petition, the medical records, and the undersigned’s Ruling on Facts in this case, as well as the relevant medical literature regarding petitioner’s alleged shoulder injury. *Id.* at 4. Based on that review, respondent concluded that petitioner’s left shoulder injury is consistent with shoulder

<sup>1</sup> Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012)(Federal Management and Promotion of Electronic Government Services). 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, the undersigned agrees that the identified material fits within this definition, the undersigned 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 related to vaccine administration (“SIRVA”), and that the injury is not due to factors unrelated to her November 24, 2014, flu vaccination. *Id.* Respondent further stated that petitioner met all statutory and jurisdictional requirements, including having suffered the condition for more than six months. *Id.* Thus, respondent agrees with petitioner that compensation for her left shoulder injury is appropriate under the terms of the Vaccine Act. *Id.*

**In view of respondent’s concession and the evidence of record, the undersigned finds that petitioner is entitled to compensation.**

**IT IS SO ORDERED.**

**s/Nora Beth Dorsey**  
Nora Beth Dorsey  
Chief Special Master