In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS
No. 15-925V
Filed: November 23, 2015
Unpublished

JUDITH RUTSCHMAN,	*	
	*	
Petitioner,	*	Ruling on Entitlement; Concession;
	*	Influenza ("Flu") Vaccine;
	*	Pneumococcal Conjugate ("PCV-13")
SECRETARY OF HEALTH	*	Vaccine; Shoulder Injury Related to
AND HUMAN SERVICES,	*	Vaccine Administration ("SIRVA");
	*	Special Processing Unit ("SPU")
Respondent.	*	
	*	

William E. Cochran, Jr., Black McLaren Jones Ryland & Griffee, Memphis, TN , for petitioner.
Julia Wernett McInerny, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT[1]

Dorsey, Chief Special Master:

On August 24, 2015, Petitioner 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 her October 24, 2014 influenza ("flu") and pneumococcal conjugate ("PCV-13") vaccinations caused her to suffer a shoulder injury related to vaccine administration ("SIRVA"). Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On November 20, 2015, respondent filed her Rule 4(c) report in which she concedes that petitioner is entitled to compensation in this case. Respondent's Rule 4(c) Report at 1. Specifically, respondent indicated that petitioner's "alleged injury is consistent with SIRVA." *Id.* at 5. Respondent further indicates that "based on the

[1] Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website,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, 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, the undersigned agrees that the identified material fits within this definition, the undersigned 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 (2012).

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record as it now stands, petitioner has satisfied all legal prerequisites for compensation under the Act." *Id.*

In view of respondent's concession and the evidence before me, the undersigned finds that petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Nora Beth Dorsey
Nora Beth Dorsey
Chief Special Master