

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 15-936V

Filed: November 23, 2015

Unpublished

JENNIFER SIEKIERSKI,

Petitioner,

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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Ruling on Entitlement; Concession;
Influenza;
Shoulder Injury (“SIRVA”);
Special Processing Unit (“SPU”)

Katheryn Lee Bruns, Faraci Lange, LLP, Rochester, NY, for petitioner.

Julia Wernett McInerney, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

Dorsey, Chief Special Master:

On August 26, 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 she experienced a shoulder injury related to vaccine administration (“SIRVA”) as a result of her receipt of an influenza vaccine on November 4, 2014. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On November 23, 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 “believes that the alleged injury is consistent with SIRVA. Based on the medical records outlined above, petitioner met the statutory requirements by suffering the condition for more than six months.” *Id.* at 5. Respondent

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims’ website,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

further agrees that petitioner has satisfied all legal prerequisites for compensation under the Vaccine 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