

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 15-1023V

Filed: December 10, 2015

Unpublished

GUADALUPE PEREZ, legal guardian *
and parent of B.P., a minor, *

Petitioner, *

SECRETARY OF HEALTH *
AND HUMAN SERVICES, *

Respondent. *

Ruling on Entitlement; Concession;
Measles, Mumps, and Rubella (“MMR”)
Vaccine; Meningococcal Vaccine;
Cellulitis; Shoulder Injury Related to
Vaccine Administration (“SIRVA”);
Special Processing Unit (“SPU”)

Jack Hull, II, Goldsmith & Hull, Northridge, CA, for petitioner.

Debra Begley, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

Dorsey, Chief Special Master:

On September 14, 2015, Guadalupe Perez (“petitioner”), as legal guardian and parent of B.P., a minor, 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 B.P. suffered cellulitis caused in fact by the measles, mumps, and rubella (“MMR”) and meningococcal vaccines that B.P. received on February 11, 2015. Petition at ¶¶ 3, 15. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On December 9, 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

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims’ website,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

with cellulitis that was caused by the MMR and meningococcal vaccines administered in B.P.'s left arm." *Id.* at 3.

In view of respondent's concession to which petitioner agrees 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