In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS
No. 15-1165V
Filed: March 1, 2017
Unpublished

KATHRYN S. LEFFLER,	*	
	*	
Petitioner,	*	Ruling on Entitlement; Concession;
v.	*	Influenza ("Flu") Vaccine; Shoulder
	*	Injury Related to Vaccine Administration
SECRETARY OF HEALTH	*	("SIRVA"); Special Processing Unit
AND HUMAN SERVICES,	*	("SPU")
	*	
Respondent.	*	
	*	

Daniel H. Pfeifer, Pfeifer, Morgan & Stesiak, South Bend, IN, for petitioner.
Michael P. Milmoe, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT[1]

Dorsey, Chief Special Master:

On October 9, 2015, Kathryn S. Leffler ("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"). Petitioner alleges that she sustained a shoulder injury related to vaccine administration ("SIRVA") from an influenza ("flu") vaccination she received on October 11, 2012. Petition at 1. The case was assigned to the Special Processing Unit ("SPU") of the Office of Special Masters.

On February 28, 2017, respondent filed a Rule 4(c) Report conceding that petitioner is entitled to compensation. Rule 4(c) Rep. at 1. Based on his evaluation of the evidence, respondent concludes that petitioner's alleged injury is consistent with a SIRVA, and that it is not due to factors unrelated to her October 11, 2012, influenza vaccination. *Id.* at 4. Additionally, petitioner's records demonstrate that the case was timely filed, that petitioner received a vaccine set forth in the Vaccine Injury Table, and

[1] Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website,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

[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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that the vaccine was received in the United States. *Id.* Petitioner's records also show that she suffered residuals of her condition for more than six months. *Id.* Respondent therefore believes entitlement to Vaccine Act compensation is appropriate. *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