

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 16-079V

Filed: February 29, 2016

Unpublished

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DELORES OLONOVICH,

Petitioner,

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

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Ruling on Entitlement; Concession;  
Tetanus-diphtheria-acellular pertussis;  
("Tdap"); Shoulder Injury Related to  
Vaccine Administration ("SIRVA");  
Special Processing Unit ("SPU")

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*Maximillian Muller, Muller Brazil, LLP, Dresher, PA, for petitioner.*

*Darryl Wishard, U.S. Department of Justice, Washington, DC, for respondent.*

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

**Dorsey**, Chief Special Master:

On January 14, 2016, Delores Olonovich ("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 the tetanus-diphtheria-acellular pertussis ("Tdap") vaccine on February 20, 2015, she suffered a left shoulder injury. Petition at 1-4. The case was assigned to the Special Processing Unit ("SPU") of the Office of Special Masters.

On February 29, 2016, 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 concluded that petitioner's alleged injury is consistent with shoulder injury related to vaccine administration ("SIRVA"), and that it was caused-in-fact by the Tdap vaccine she received on February 20, 2015. *Id.* at 3. Respondent further stated that she did not identify any other causes for petitioner's

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 Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website,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

SIRVA, and the records show that she has suffered the sequela of this injury for more than six months. *Id.* Therefore, based on the record as it now stands, petitioner has satisfied all legal prerequisites for compensation under the Act.

**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