

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 16-119V

Filed: July 18, 2016

UNPUBLISHED

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RAYMOND ROACH, on behalf of \*  
O.G.R., a minor child \*

Petitioner, \*  
v. \*

SECRETARY OF HEALTH \*  
AND HUMAN SERVICES, \*

Respondent. \*  
\*

Ruling on Entitlement; Concession;  
Measles, Mumps and Rubella (“MMR”);  
Encephalopathy;  
Special Processing Unit (“SPU”)

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*Diana Stadelnikas Sedar, Maglio Christopher & Toale, PA, Sarasota, FL, for petitioner.  
Camille Collett, U.S. Department of Justice, Washington, DC, for respondent.*

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

**Dorsey**, Chief Special Master:

On January 27, 2016, 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”). Petitioner alleges that O.G.R. was diagnosed with encephalopathy following receipt of Hepatitis A, Haemophilus influenza type B, measles, mumps and rubella (MMR), Prevnar, and varicella vaccinations on February 13, 2013. Petition at 1-2. Petitioner alleges that O.G.R.’s encephalopathy is causally related to an adverse reaction to her vaccinations. *Id.* The case was assigned to the Special Processing Unit of the Office of Special Masters.

On July 15, 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 “has determined that petitioner has met the requirements

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 Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims’ website,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

for compensation under the Act. The medical evidence demonstrates that petitioner is entitled to a presumption of causation, as O.G.R.'s encephalopathy first manifested within fifteen days of her receipt of her first MMR vaccine, and there is not a preponderance of the evidence that her condition is due to a factor unrelated to his MMR vaccine." *Id.* at 7. Respondent further agrees that the encephalopathy persisted for greater than six months. *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