

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 16-146V

Filed: December 19, 2016

UNPUBLISHED

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D.S., a minor, by and through his natural\*  
guardian, TESSA SKRYPEK, \*

Petitioner, \*

v. \*

SECRETARY OF HEALTH \*  
AND HUMAN SERVICES, \*

Respondent. \*

Ruling on Entitlement; Concession;  
Rotavirus Vaccination;  
Intussusception;  
Special Processing Unit (“SPU”)

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*Paul R. Brazil, Muller Brazil, LLP, Dresher, PA, for petitioner.*

*Robert P. Coleman, U.S. Department of Justice, Washington, DC, for respondent.*

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

**Dorsey**, Chief Special Master:

On February 1, 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”) on behalf of D.S. Petitioner alleges that D.S. suffered from an intussusception as a result of receiving a rotavirus vaccination on June 5, 2013. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On December 16, 2016, respondent filed her Rule 4(c) report and proffer on award of compensation in which she concedes that petitioner is entitled to compensation in this case. Respondent’s Rule 4(c) Report and Proffer on Award of Compensation at 1. Specifically, respondent “has concluded that D.S. suffered

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 Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims’ website,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

intussusception within the Table definition.” *Id.* at 4. Respondent further agrees that based on the medical records “petitioner has met the statutory requirements for entitlement to compensation.” *Id.* Respondent additionally indicates that “based on the current record, petitioner has satisfied all legal prerequisites for compensation under the 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