

# In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 16-0667V

Filed: October 21, 2016

UNPUBLISHED

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MARGARET ELLEDGE,	*	
	*	
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.	*	
	*	

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*Paul R. Brazil, Muller Brazil, LLP, Dresher, PA, for petitioner.*  
*Amy Paula Kokot, U.S. Department of Justice, Washington, DC, for respondent.*

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

**Dorsey**, Chief Special Master:

On June 6, 2016, Margaret Elledge (“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 her receipt of an influenza (“flu”) vaccine on November 3, 2014, caused her to suffer a right shoulder injury. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On October 21, 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 “recommends that compensation be awarded because petitioner’s alleged injury is consistent with a shoulder injury related to vaccine administration (“SIRVA”), which was caused-in-fact by the flu vaccine. *Id.* at 1. Respondent further agrees that petitioner’s SIRVA and its sequela persisted for more than six months after the administration of the vaccine. *Id.* at 4.

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 Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims’ website,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

**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