

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 16-1029V

Filed: April 25, 2017

UNPUBLISHED

\*\*\*\*\*

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

\*\*\*\*\*

*Leah V. Durant, Law Offices, Washington, DC, for petitioner.*  
*Robert P. Coleman, III, U.S. Department of Justice, Washington, DC, for respondent.*

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

**Dorsey**, Chief Special Master:

On August 19, 2016, Daniel McNeal (“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 he suffered from a left shoulder injury as a result of receiving an influenza (“flu”) vaccine on November 3, 2015. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On April 25, 2017, respondent filed his Rule 4(c) report in which he concedes that petitioner is entitled to compensation in this case. Respondent’s Rule 4(c) Report at 1. Specifically, respondent states “petitioner’s alleged injury is consistent with a shoulder injury related to vaccine administration (‘SIRVA’).” *Id.* at 3. Respondent further agrees that that no other causes for petitioner’s SIRVA were identified and that the statutory six month sequela requirement has been satisfied. *Id.*

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 Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims’ website,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