

# In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 16-1270V

Filed: January 23, 2017

UNPUBLISHED

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

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*Renee J. Gentry, Vaccine Injury Clinic, George Washington Univ. Law School, Washington, DC, for petitioner.*  
*Mallori Browne Openchoswki, U.S. Department of Justice, Washington, DC, for respondent.*

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

**Dorsey**, Chief Special Master:

On October 5, 2016, Angela Barry (“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 she suffered a shoulder injury related to vaccine administration (“SIRVA”) as a result of receiving a Tetanus Diphtheria (“Tetanus”) vaccine on February 7, 2015. Petition at *Introduction*. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On January 23, 2017, 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 states that no other causes were identified for petitioner’s shoulder injury and the medical records show that petitioner suffered the

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 Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims’ website,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

residual effects of her condition for more than six months. *Id.* at 5-6. Respondent further agrees that petitioner has satisfied all legal prerequisites for compensation under the Act. *Id.* at 6.

**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