

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 16-1480V

Filed: April 19, 2017

Unpublished

ERIN MCLANE,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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Ruling on Entitlement (Non-Table);
Concession; Tetanus-diphtheria-
acellular pertussis (“Tdap”) Vaccine;
Shoulder Injury Related to Vaccine
Administration (“SIRVA”); Special
Processing Unit (“SPU”)

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

Ann D. Martin, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

Dorsey, Chief Special Master:

On November 9, 2016, Erin McLane (“petitioner”) filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,² (the “Vaccine Act” or “Program”). Petitioner alleges that she suffered left shoulder injuries as a result of a tetanus-diphtheria-acellular pertussis (“Tdap”) vaccine that she received on February 3, 2016. Pet. at 1. The case was assigned to the Special Processing Unit (“SPU”) of the Office of Special Masters.

On April 19, 2017, respondent filed a Rule 4(c) Report conceding that petitioner is entitled to compensation in this case. Rule 4(c) Rep. at 1. Specifically, respondent stated that “petitioner’s left shoulder injury is consistent with SIRVA [shoulder injury related to vaccine administration], and that it was caused in fact by the Tdap vaccine

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims’ website,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.

² 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).

she received on February 3, 2016.” *Id.* at 3. Respondent “did not identify any other causes for petitioner’s SIRVA, and records show that she suffered the sequela of her injury for more than six months.” *Id.* Thus, based on the evidence submitted in this case, “petitioner has met the statutory requirements for entitlement to compensation.” *Id.*

In view of respondent’s concession and the evidence of record, the undersigned finds that petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Nora Beth Dorsey

Nora Beth Dorsey
Chief Special Master