

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 16-1530V

Filed: May 25, 2017

UNPUBLISHED

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

Maximillian J. Muller, Muller Brazil, LLP, Dresher, PA, for petitioner.
Christine Mary Becer, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

Dorsey, Chief Special Master:

On November 16, 2016, Crystal Adkins (“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”). Petitioner alleges that she received an influenza (“flu”) vaccine on November 2, 2015, and thereafter suffered from a left shoulder injury that was caused-in-fact by the flu vaccine. Petition at 1-2. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On May 24, 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 that “a preponderance of the evidence establishes that the injury to petitioner’s left shoulder was caused-in-fact by the administration of her November 2, 2015 flu vaccine, and that petitioner’s injury is not due to factors unrelated

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims’ website,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

to the administration of the flu vaccine.” *Id.* at 3. Respondent further agrees that the statutory six month sequela requirement has been satisfied. *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