In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

Filed: February 21, 2018

* * * * * * * * * * * * * * * * *	
LYNETTE PESTEL, *	
*	
Petitioner, *	
*	No. 17-814V
v. *	Special Master Sanders
*	
SECRETARY OF HEALTH *	Ruling on Entitlement; Uncontested;
AND HUMAN SERVICES, *	Table Injury; Influenza ("Flu") Vaccine;
*	Guillain-Barré Syndrome ("GBS")
Respondent. *	
* * * * * * * * * * * * * * * * *	

Shealene Wasserman, Muller Brazil, LLP, Dresher, PA, for Petitioner.
Debra A. Begley, United States Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT[1]

On June 16, 2017, Lynette Pestel ("Petitioner") filed a petition for compensation under the National Vaccine Injury Compensation Program. 42 U.S.C. § 300aa-10, *et seq.*[2] (2012) ("Vaccine Act" or "Program"). Petitioner alleged that she suffered from Guillain-Barré Syndrome ("GBS") as a result of an influenza vaccine she received on September 26, 2014. Pet. at 1, ECF No. 1.

On February 15, 2018, Respondent filed his Rule 4(c) Report. ECF No. 16. In his report, Respondent concludes that "compensation is appropriate under the Act." *Id.* at 1. Specifically, Respondent states that "[P]etitioner has satisfied the criteria set forth in the newly revised Vaccine Injury Table ("Table") and the Qualifications and Aids to Interpretation for GBS following a flu vaccination." *Id.* at 4. Accordingly, Respondent concludes that Petitioner is entitled to an award of damages "limited to [P]etitioner's GBS and its related sequelae only." *Id.*

[1] This decision shall be posted 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), a party has 14 days to identify and move to delete medical or other information that satisfies the criteria in § 300aa-12(d)(4)(B). Further, consistent with the rule requirement, a motion for redaction must include a proposed redacted decision. If, upon review, the undersigned agrees that the identified material fits within the requirements of that provision, such material will be deleted from public access.

[2] National Childhood Vaccine Injury Act of 1986, Pub L. No. 99-660, 100 Stat. 3755.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

In light of Respondent's position and the evidence of record, the undersigned finds that Petitioner is entitled to compensation.

In a status report filed on February 1, 2018, Petitioner stated that she sent a demand to Respondent on that date. ECF No. 14. It is hereby **ORDERED** that the parties shall file a status report on the progress of settlement discussions **no later than Friday, March 23, 2018**.

IT IS SO ORDERED.

s/Herbrina D. Sanders
Herbrina D. Sanders
Special Master