

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 17-1053V

Filed: June 17, 2019

UNPUBLISHED

STEVEN WASHINGTON,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Special Processing Unit (SPU);  
Ruling on Entitlement; Concession;  
Causation-In-Fact; Influenza (Flu)  
Vaccine

*Bruce William Slane, Law Office of Bruce W. Slane, P.C., White Plains, NY, for petitioner.*

*Camille Michelle Collett, U.S. Department of Justice, Washington, DC, for respondent.*

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

**Dorsey**, Chief Special Master:

On August 3, 2017, 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 “Shoulder Injuries Related to Vaccine Administration (“SIRVA”) including left shoulder tear in the distal supraspinatus tendon, rotator cuff tendinitis, adhesive capsulitis, supraspinatus and infraspinatus tendinopathy, and bursitis” that were caused-in-fact by the adverse effects of the influenza (“flu”) vaccine administered on November 23, 2016. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

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<sup>1</sup> The undersigned intends to post this ruling on the United States Court of Federal Claims' website. **This means the ruling will be available to anyone with access to the internet.** 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. Because this unpublished ruling contains a reasoned explanation for the action in this case, undersigned is required to post it on the United States Court of Federal Claims' website in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).

<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).

On June 17, 2019, respondent filed his Amended Rule 4(c) Report in which he concedes that petitioner is entitled to compensation in this case. Respondent's Amended Rule 4(c) Report at 1-2. Specifically, respondent concludes that petitioner's bursitis was caused-in-fact by the flu vaccine administered on November 23, 2016. *Id.* at 8. Respondent further agrees that no other causes for petitioner's bursitis have been identified and that the statutory six-month sequela requirement has been satisfied. *Id.*

**In view of respondent's position 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