

# In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 17-1467V

Filed: September 25, 2018

UNPUBLISHED

LESLEE MORAN,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Special Processing Unit (SPU);  
Ruling on Entitlement; Concession;  
Table Injury; Influenza (Flu) Vaccine;  
Shoulder Injury Related to Vaccine  
Administration (SIRVA)

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

*Justine Elizabeth Walters, U.S. Department of Justice, Washington, DC, for respondent.*

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

**Dorsey**, Chief Special Master:

On October 6, 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 she suffered from right shoulder injuries as a result of receiving an influenza (“flu”) vaccine on October 9, 2014. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On September 19, 2018, 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 “has reviewed the facts of this case and concluded that petitioner’s claim meets the Table criteria for SIRVA.”<sup>3</sup> *Id.* at 5.

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 Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims’ website,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

<sup>3</sup> Shoulder Injury Related to Vaccine Administration

Respondent further agrees that the case was timely filed, that the vaccine was received in the United States, that petitioner suffered the residual effects or complication of her injury for more than six months, and that no civil action or proceedings have been pursued with regard to the vaccine-related injury. *Id.* Accordingly, “in light of the information contained in the record, respondent concedes that entitlement compensation is appropriate under the terms of the Vaccine Act . . .”

**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