

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 17-1862V

Filed: June 13, 2018

UNPUBLISHED

B.C., a minor, by and through his
parent and natural guardian,
RACHELLE GUCWA,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Special Processing Unit (SPU);
Ruling on Entitlement; Concession;
Table Injury; Rotavirus Vaccine;
Intussusception

Maximillian J. Muller, Muller Brazil, LLP, Dresher, PA, for petitioner.

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

RULING ON ENTITLEMENT¹

Dorsey, Chief Special Master:

On December 1, 2017, Rachele Gucwa (“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”) on behalf of her son, B.C. Petitioner alleges that B.C. suffered from intussusception as a result of a rotavirus vaccine he received on July 26, 2016. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website,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

On June 13, 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 concludes that "B.C. suffered intussusception approximately five days following the rotavirus vaccine administered on July 26, 2016, which qualifies as a Table injury." *Id.* at 7. Respondent further agrees that no other causes have been identified and that B.C.'s intussusception meets the statutory requirements for suffering a condition that resulted in inpatient hospitalization and surgical intervention. *Id.* at 7-8. Therefore, based on the record as it now stands, respondent's position is that petitioner has satisfied all legal prerequisites for compensation under the 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