

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 17-2016V

Filed: October 30, 2018

UNPUBLISHED

JACQUELINE POHLMAN,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Special Processing Unit (SPU);
Ruling on Entitlement; Concession;
Table Injury; Tetanus Diphtheria
acellular Pertussis (Tdap) Vaccine;
Shoulder Injury Related to Vaccine
Administration (SIRVA)

Jeffrey S. Pop, Jeffrey S. Pop & Associates, Beverly Hills, CA, for petitioner.

Lisa Ann Watts, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

Dorsey, Chief Special Master:

On December 21, 2017, 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 after receiving the tetanus, diphtheria, and acellular pertussis vaccination on May 22, 2017, she suffered a shoulder injury related to vaccine administration (“SIRVA”) as listed on the Vaccine Injury Table or that was caused-in-fact by the vaccination she received. Petition at 1, ¶¶ 6, 27. Petitioner further alleges that she received the vaccination alleged in the United States, continues to suffer from her injury, and that neither she nor any other party has filed a civil action or

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 Because this unpublished ruling contains a reasoned explanation for the action in this case, undersigned is required to post it on the United States Court of Federal Claims' website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

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).

received compensation for her injury, alleged as vaccine caused. *Id.* at 1, ¶¶ 6, 26, 28-29. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On October 30, 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 concluded that petitioner suffered SIRVA as defined by the Vaccine Injury Table." *Id.* at 4. Respondent further agrees that "based on the records as it stands, petitioner has satisfied all legal prerequisites for compensation under the Act." *Id.* at 4-5

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