

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 18-0269V

Filed: September 19, 2018

UNPUBLISHED

WILLIAM B. STRICKLAND and
CHRISTINA M. STRICKLAND, on
behalf of E.S.,

Petitioners,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Special Processing Unit (SPU);
Ruling on Entitlement; Concession;
Table Injury; Tetanus Diphtheria
acellular Pertussis (Tdap) Vaccine;
Hepatitis B (Hep B) Vaccine;
Haemophilus influenzae type b (Hib)
Vaccine; Polio Inactivated Virus (IPV)
Vaccine; Pneumococcal Conjugate
Vaccine; Brachial Neuritis; Shoulder
Injury

*John Wesley Frost, II, Frost Van den Boom & Smith, P.A., Barstow, FL, for petitioner.
Mallori Browne Openchowski, U.S. Department of Justice, Washington, DC, for
respondent.*

RULING ON ENTITLEMENT¹

Dorsey, Chief Special Master:

On February 21, 2018, 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"). Petitioners alleges that E.S. suffered Parsonage-Turner Syndrome, also known as brachial neuritis, and/or a shoulder injury as a result of Diphtheria Tetanus acellular Pertussis ("DTaP"), Hepatitis B, Haemophilus influenza type b ("Hib"), Polio Inactivated Virus ("IPV"), and Pneumococcal Conjugate vaccinations administered on

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website,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

September 6, 2016. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On September 17, 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. Respondent states that the Division of Injury Compensation Programs, Department of Health and Human Services has concluded that E.S. suffered a Table injury under the Vaccine Act. *Id.* at 9. Specifically, respondent agrees that E.S. suffered brachial neuritis, the onset of which occurred within two to twenty-eight days following his September 6, 2016 DTaP vaccination *Id.* Respondent further agrees that E.S.'s medical records show that he suffered the sequela of his injury for more than six months after vaccination and has met the statutory requirements for entitlement to compensation. *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