

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 18-435V

Filed: November 19, 2020

UNPUBLISHED

MIRANDA SELLERS,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Special Master Horner

Ruling for Entitlement; Table Injury;
Influenza Vaccine (Flu); Shoulder
Injury Related to Vaccine
Administration (SIRVA)

*Michael Patrick Milmoie, Law Offices of Leah V. Duran, Washington, DC, for petitioner.
Camille Michelle Collett, U.S. Department of Justice, Washington, DC, for respondent.*

RULING ON ENTITLEMENT¹

On March 23, 2018, petitioner filed a petition under the National Childhood Vaccine Injury Act, 42 U.S.C. § 300aa-10-34 (2012), alleging that as a result of an influenza (“flu”) vaccination that she received on October 3, 2016, she suffered a right Shoulder Injury Related to Vaccine Administration (“SIRVA”). (ECF No. 1.)

Respondent initially filed a Rule 4 Report on April 30, 2019, recommending against compensation based on his review of the record at that time. (ECF No. 18.) Following further development of the record in this case, on November 18, 2020, respondent filed an amended Rule 4(c) report in which he advised the Court that “he is now of the opinion that petitioner is entitled to compensation for a Table injury of SIRVA after flu vaccination.” (ECF No. 47, p. 2.) Specifically, respondent stated that “[t]here were no other causes identified for petitioner’s SIRVA,” and that the medical records indicate that “petitioner has suffered the sequela of her injury for more than six months.”

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims’ website in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). **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, I agree that the identified material fits within this definition, I will redact such material from public access.

(*Id.* at 7.) Consequently, respondent believes that “petitioner has satisfied all legal prerequisites for compensation under the Act.” (*Id.*)

In view of Respondent’s position and the evidence of record, I find that petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Daniel T. Horner

Daniel T. Horner
Special Master