

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 18-0652V

Filed: April 10, 2019

UNPUBLISHED

JILL CORSIGLIA,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Special Processing Unit (SPU);
Ruling on Entitlement; Concession;
Causation-In-Fact; Influenza (Flu)
and Hepatitis A (Hep A) Vaccines;
Shoulder Injury Related to Vaccine
Administration (SIRVA)

Danielle Strait, Maglio Christopher & Toale, PA, Seattle, WA, for petitioner.

Ashley Simpson, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

Dorsey, Chief Special Master:

On May 8, 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”). Petitioner alleges that she suffered left shoulder injuries caused in fact by the influenza and hepatitis A vaccines she received on November 3, 2016. Petition at 1, ¶¶ 1, 3, 14. Petitioner further alleges that she received the vaccination in the United States, suffered the residual effects of her injuries for more than six months, and that neither she nor any other party has filed a civil suit or received compensation for her injuries, alleged as vaccine caused. *Id.* at ¶¶ 2, 15, 18-19. 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¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website,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 April 9, 2019, 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's injury is consistent with SIRVA [(shoulder injury related to vaccine administration), and] a preponderance of evidence establishes that her SIRVA was caused-in-fact by the flu or Hepatitis A vaccination she received on November 3, 2016." *Id.* at 3. Respondent further agrees that "petitioner has satisfied all legal prerequisites for compensation under the Act." *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