

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

JANARDHANA DONGA,

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No. 18-886V

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Special Master Christian J. Moran

Petitioner,

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v.

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Filed: October 5, 2021

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SECRETARY OF HEALTH
AND HUMAN SERVICES,

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Entitlement; On-Table injury.

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Respondent.

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Bridget C. McCullough, Muller Brazil, LLP, Dresher, PA, for Petitioner;
Camille M. Collett, United States Department of Justice, Washington, DC, for Respondent.

UNPUBLISHED RULING FINDING ENTITLEMENT¹

On June 21, 2018, Janardhana Donga sought compensation for shoulder injury related to vaccine administration (“SIRVA”) following his influenza (“flu”) vaccination on October 22, 2016. Mr. Donga seeks compensation pursuant to the National Vaccine Injury Compensation Program, 42 U.S.C. § 300aa-10 through 34 (2012).

On September 8, 2020, Mr. Donga moved for a ruling on the record. Respondent filed his response on March 5, 2021. Findings of fact were then issued on July 21, 2021, finding that Mr. Donga’s shoulder pain began within 48 hours of his vaccination.

In an amended Rule 4(c) report filed on October 4, 2021, respondent stated that he will not continue to defend against Mr. Donga’s claim. Respondent stated that the Division of Vaccine Injury Compensation, Department of Health and Human Services, has reviewed the facts of this case and have concluded that “[r]ecognizing that the Special Master’s factual finding that the onset of petitioner’s shoulder pain occurred within 48 hours of vaccination is the law of

¹ The E-Government Act, 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services), requires that the Court post this ruling on its website. This posting will make the ruling available to anyone with the internet. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

the case, respondent advises that he will not defend the case on other grounds during further proceedings before the Office of Special Masters.” Resp’t’s Am. Rep., filed Oct. 4, 2021, at 2.

Special masters may determine whether a petitioner is entitled to compensation based upon the record. A hearing is not required. 42 U.S.C. § 300aa-13; Vaccine Rule 8(d). Based upon a review of the record as a whole, the undersigned finds that petitioner has established that he is entitled to compensation for his injury.

Accordingly, Mr. Donga is entitled to compensation.

Any questions may be directed to my law clerk, Jason Wiener, at (202) 357-6360.

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master