

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 18-1017V

Filed: May 13, 2022

UNPUBLISHED

STACY RATZLAFF,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Special Master Daniel Horner

Shoulder Injury Related to Vaccine
Administration; SIRVA; Tetanus-
Diphtheria-Pertussis (Tdap); Table
Injury

*Leah VaSahnja Durant, Law Offices of Leah V. Durant, PLLC, Washington, DC,
for petitioner.*

Rachelle Bishop, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

On July 16, 2018, Stacy Ratzlaff (“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 a shoulder injury related to vaccine administration (“SIRVA”) as a result of her November 15, 2016 Tetanus-Diphtheria-Pertussis (“Tdap”) vaccination. Petition at 1.

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in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

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 May 10, 2022, Respondent filed an amended Rule 4(c) report in which he indicates that he will not continue to defend the case in light of prior fact finding by the undersigned. Respondent's Rule 4(c) Report at 1. Specifically, Respondent states that:

DICP has reviewed the evidence filed in this case, as well as the Finding of Fact issued on March 10, 2022. Recognizing that the Court's factual finding that petitioner experienced pain within forty-eight hours of her vaccination is the law of the case, respondent advises that he will not defend the case during further proceedings before the Office of Special Masters . . . respondent submits that petitioner has otherwise satisfied the criteria set forth in the Vaccine Injury Table and the Qualifications and Aids to Interpretation ("QAI") for SIRVA. Specifically, petitioner had no recent history of pain, inflammation, or dysfunction of her left shoulder that explains her post-vaccination presentation; the Court found that the onset of pain occurred within forty-eight hours after receipt of an intramuscular vaccination; the pain was limited to the shoulder in which the vaccine was administered; and, no other condition or abnormality has been identified to explain petitioner's left shoulder pain.

Id. at 4 (internal citations omitted).

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