

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 18-1202V

Filed: October 2, 2019

UNPUBLISHED

SHANNON DELEHANTY,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Special Processing Unit (SPU);  
Ruling on Entitlement; Concession;  
Causation-In-Fact; Influenza (Flu)  
Vaccine; Radial Nerve injury

*Andrew Donald Downing, Van Cott & Talamante, PLLC, Phoenix, AZ, for petitioner.  
Daniel Anthony Principato, U.S. Department of Justice, Washington, DC, for  
respondent.*

### **RULING ON ENTITLEMENT**<sup>1</sup>

**Corcoran**, Chief Special Master:

On August 14, 2018, Shannon Delehanty (“petitioner”) filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,<sup>2</sup> (the “Vaccine Act”). Petitioner alleges that she received an influenza (“flu”) vaccine on October 13, 2017, and thereafter suffered radial motor neuropathy caused by the vaccination. Petition at 1-3. The case was assigned to the Special Processing Unit of the Office of Special Masters.

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<sup>1</sup> The undersigned intends to post this ruling on the United States Court of Federal Claims' website. **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, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access. Because this unpublished ruling contains a reasoned explanation for the action in this case, undersigned is required to post it on the United States Court of Federal Claims' website in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).

<sup>2</sup> 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 October 2, 2019, respondent filed a combined Rule 4(c) report and Proffer (“Rule 4/Proffer”) in which he concedes that petitioner is entitled to compensation in this case. Rule 4(c)/Proffer at 1. Specifically, respondent states that medical personal at DICP have reviewed the petition and medical records in this case, as well as the relevant medical literature regarding petitioner’s alleged injury. Based on that review, “DICP opines that petitioner has a radial nerve injury. DICP further agrees that petitioner’s radial nerve injury was caused-in-fact by the flu vaccination she received on October 14, 2017. No other causes for petitioner’s condition were identified.” *Id.* at 3-4. Respondent further agrees that the statutory six month sequela requirement has been satisfied and as such, 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/Brian H. Corcoran**  
Brian H. Corcoran  
Chief Special Master