

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 18-1504V

Filed: August 22, 2019

UNPUBLISHED

PATTIE PATRIQUIN,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Special Processing Unit (SPU);  
Ruling on Entitlement; Concession;  
Table Injury; Influenza (Flu) Vaccine;  
Shoulder Injury Related to Vaccine  
Administration (SIRVA)

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

*Julia Marter Collison, U.S. Department of Justice, Washington, DC, for respondent.*

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

**Dorsey**, Chief Special Master:

On September 28, 2018, 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 suffered a Shoulder Injury Related to Vaccine Administration (“SIRVA”) resulting from the adverse effects of an influenza (“flu”) vaccination she received on December 20, 2017. Petition at 1. 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 Because this unpublished ruling contains a reasoned explanation for the action in this case, undersigned is required to post it on the United States Court of Federal Claims' website in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 August 21, 2019, respondent filed his Rule 4(c) report in which he concedes that petitioner is entitled to compensation in this case.<sup>3</sup> Respondent's Rule 4(c) Report at 1. Specifically, respondent concludes that petitioner's alleged injury is consistent with SIRVA and was caused-in-fact by the administration of a flu vaccine on December 20, 2017. *Id.* at 4. Respondent further agrees that there were no other causes identified for petitioner's SIRVA and the records indicate that petitioner has suffered the sequela of her injury for more than six months. *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

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<sup>3</sup> The OSM staff attorney managing this case e-mailed respondent's counsel on August 22, 2019 to inquire whether this case was being conceded as a Table or Non-Table case. In a reply e-mail dated August 22, 2019, respondent's counsel confirmed that this case was being conceded as a Table case.