

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 18-1761V

UNPUBLISHED

GEORGE PHILLIP RIVERA,
also known as
GEORGE RIVERA-GONZALEZ

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: November 26, 2019

Special Processing Unit (SPU);
Ruling on Entitlement; Concession;
Table Injury; Influenza (Flu) Vaccine;
Guillain-Barre Syndrome (GBS)

Roberto Ruiz-Comas, RC Legal & Litigation Services PSC, San Juan, PR, for petitioner.

Lisa Ann Watts, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

On November 15, 2018, George Phillip Rivera aka George Rivera-Gonzalez 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 he developed Guillain-Barre syndrome (“GBS”) as a result of an influenza vaccine administered to him on January 26, 2018. Petition at 1. 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¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in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 November 25, 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 states that Petitioner has satisfied the criteria set forth in the recently revised Vaccine Injury Table and the Qualifications and Aids to Interpretation, which afford Petitioner the presumption of causation if: the diagnosis of GBS is sound, the onset of GBS occurs between three and forty-two days after a seasonal flu vaccination, and there is no identified more likely alternative diagnosis. *Id.* at 3. Respondent further agrees that Petitioner suffered the residual effects of his GBS for more than six months. *Id.* Respondent concludes that "[p]etitioner has satisfied all legal prerequisites for compensation." *Id.*

In view of Respondent's position and the evidence of record, I find that Petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Brian H. Corcoran

Brian H. Corcoran
Chief Special Master