

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 18-1831V

Filed: August 22, 2019

UNPUBLISHED

JADYN ROYLANCE,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Special Processing Unit (SPU);
Ruling on Entitlement; Concession;
Table Injury; Human Papillomavirus
(HPV) Vaccine; Shoulder Injury
Related to Vaccine Administration
(SIRVA)

Lisa Annette Roquemore, Law Office of Lisa A. Roquemore, Rancho Santa Margarita, CA, for petitioner.

Traci R. Patton, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

Dorsey, Chief Special Master:

On November 29, 2018, 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 the Table Injury of SIRVA, standing for shoulder injury related to vaccine administration or a SIRVA which was caused in fact by the second Gardasil³ vaccine she received on January 12, 2017. Petition at 2,

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 Because this unpublished ruling contains a reasoned explanation for the action in this case, undersigned is required to post it on the United States Court of Federal Claims' website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

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).

³ Gardasil is the name of the Human Papillomavirus 9-valent (“HPV”) vaccine manufactured by Merck. See <https://www.gardasil9.com> (last visited Aug. 22, 2019).

5. Petitioner further alleges that she received the vaccination in the United States, that she suffered the residual effects of her injury for more than six months, that she continues to suffer symptoms of her injury, and that she has not received a civil award for her SIRVA. *Id.* at 5-6. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On August 16, 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 "has concluded that petitioner's alleged injury is consistent with SIRVA, as defined on the Vaccine Injury Table." *Id.* at 6.

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