

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 19-66V

UNPUBLISHED

HEATHER GELDBACH,  
*Personal Representative of the*  
ESTATE OF WENDY G.  
STRICKLAND,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: February 14, 2020

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

*Nancy Routh Meyers, Ward Black Law, Greensboro, NC, for petitioner.*

*Debra A. Filteau Begley, U.S. Department of Justice, Washington, DC, for respondent.*

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

On January 15, 2019, Heather Geldbach (“Petitioner”) filed a petition for compensation on behalf of decedent Wendy G. Strickland under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,<sup>2</sup> (the “Vaccine Act”). Petitioner alleges that Ms. Strickland suffered Guillain-Barre Syndrome (“GBS”) as a result of an influenza (“flu”) vaccine administered on October 13, 2017. Petition at 1. Petitioner further alleges that Ms. Strickland’s death was directly and proximately

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 Because this unpublished ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims’ website in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

<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).

caused by the flu vaccination. *Id.* at 5. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On February 13, 2020, 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 concludes that "petitioner has shown that Ms. Strickland's symptoms and clinical course have satisfied the criteria set forth in the Vaccine Injury Table ("Table") and the Qualifications and Aids to Interpretation for a flu/GBS Table injury." *Id.* at 4. Respondent further agrees that "Ms. Strickland's condition persisted for at least six months and was also a substantial factor in causing her death, and there is no preponderant evidence of an alternative cause that explains her condition." *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