

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

Filed: September 3, 2020

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THERESA MARICH,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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UNPUBLISHED

No. 19-119V

Special Master Dorsey

Ruling on Entitlement; Concession;
Influenza (“Flu”) Vaccine; Guillain-Barré
Syndrome (“GBS”).

Anne Carrion Toale, Maglio Christopher and Toale, Sarasota, FL, for petitioner.
Adriana Ruth Teitel, United States Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

On January 23, 2019, Theresa Marich (“petitioner”) filed a petition for compensation under the National Vaccine Injury Compensation Program (“the Program”)² alleging that she developed Guillain-Barré syndrome (“GBS”) after receipt of an influenza (“flu”) vaccination on October 19, 2017 and/or a tetanus-diphtheria-acellular pertussis (“Tdap”) vaccination on October 27, 2017. Petition at 1.

On September 3, 2020, respondent filed an amended report pursuant to Vaccine Rule 4(c) in which he concedes that petitioner is entitled to compensation in this case. Amended

¹ Because this Ruling contains a reasoned explanation for the action in this case, the 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). **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.

² The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-10 to -34 (2012). All citations in this Ruling to individual sections of the Vaccine Act are to 42 U.S.C. § 300aa.

Respondent's Report ("Am. Resp. Rept.") at 2. Based on a review of the medical records respondent states that "petitioner has satisfied the criteria set forth in the revised Vaccine Injury Table and the Qualifications and Aids to Interpretation" and "has experienced the residual effects of her GBS for more than six months." Id. at 9. Therefore, petitioner has satisfied all legal prerequisites for compensation under the Act. Id.

A special master may determine whether a petitioner is entitled to compensation based upon the record. A hearing is not required. § 300aa-13; Vaccine Rule 8(d). In light of respondent's concession and a review of the record, the undersigned finds that petitioner is entitled to compensation. This matter shall now proceed to the damages phase.

IT IS SO ORDERED.

s/Nora Beth Dorsey

Nora Beth Dorsey

Special Master