

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 19-0277V

UNPUBLISHED

DAISY MCCRAY,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: March 23, 2020

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

Jessica Olins, Maglio Christopher & Toale, PA, Washington, DC, for petitioner.

Emilie Williams, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

On February 21, 2019, Daisy McCray 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 effects of Guillain-Barré Syndrome (“GBS”) as a result of an influenza (“flu”) vaccine administered to her on September 28, 2017. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On March 23, 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 states that it is his “position that petitioner has satisfied

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims’ website in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

the criteria set forth in the Vaccine Injury Table and the Qualifications and Aids to Interpretation.... That is, petitioner had bilateral flaccid limb weakness, decreased or absent deep tendon reflexes, a monophasic illness pattern, a nadir of weakness which occurred between 12 hours and 28 days after onset, a clinical plateau without significant relapse, no more likely diagnosis, and an absence of exclusionary criteria.” *Id.* at 5-6.

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