

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 19-0309V

Filed: May 23, 2019

UNPUBLISHED

KATHRYN OAKS and LUKE OAKS, on
behalf of R.O., a minor child,

Petitioners,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

Special Processing Unit (SPU);
Ruling on Entitlement; Concession;
Table Injury; Measles Mumps
Rubella (MMR) Vaccine;
Thrombocytopenic Purpura (ITP)

*Brenton Aaron Elswick, Maglio Christopher & Toale, PA, Seattle, WA, for petitioner.
Kyle Edward Pozza, U.S. Department of Justice, Washington, DC, for respondent.*

RULING ON ENTITLEMENT¹

Dorsey, Chief Special Master:

On February 27, 2019, Kathryn Oaks and Luke Oaks (“petitioners”) filed a petition on behalf of R.O., a minor child, for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,² (the “Vaccine Act”). Petitioners allege that R.O. suffers from immune thrombocytopenia purpura (“ITP”) as a result of a measles, mumps, rubella, and varicella vaccine (“MMRV vaccine”) administered to R.O. on August 15, 2016. *See generally* petition. The case was assigned to the Special Processing Unit of the Office of Special Masters.

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 Because this unpublished ruling contains a reasoned explanation for the action in this case, undersigned is required to post it on the United States Court of Federal Claims' website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

On May 23, 2019, respondent filed his Rule 4(c) report in which he concedes that petitioners are entitled to compensation in this case. Respondent's Rule 4(c) Report at 1. Specifically, respondent states that petitioners have satisfied the criteria set forth in the Table and the Qualifications and Aids to Interpretation *Id.* at 8.

In view of respondent's position and the evidence of record, the undersigned finds that petitioners are entitled to compensation.

IT IS SO ORDERED.

s/Nora Beth Dorsey

Nora Beth Dorsey
Chief Special Master