

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 19-0416V

UNPUBLISHED

GREGORY BACON,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: September 9, 2020

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

*Curtis R. Webb, Twin Falls, ID, for petitioner.*

*Lisa Ann Watts, U.S. Department of Justice, Washington, DC, for respondent.*

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

On March 19, 2019, Gregory Bacon filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*<sup>2</sup> (the “Vaccine Act”). Petitioner alleges that he suffered Guillain-Barré Syndrome (“GBS”) after receiving the influenza vaccine on January 18, 2013. Petition at ¶¶ 1-3. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On September 8, 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 “[i]t is [his] position that [P]etitioner has satisfied the criteria set forth in the recently revised Vaccine Injury Table (‘Table’) and the Qualifications and Aids to Interpretation (‘QAI’), which afford petitioner a presumption of

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 Because this unpublished ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims’ website in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

causation if: the diagnosis of GBS is sound; the onset of GBS occurs between three and forty-two days after a seasonal flu vaccination; and, there is no identified more likely alternative diagnosis.” *Id.* at 4 (citing 42 C.F.R. § 100.3(a)(XIV)(D) (GBS Table entry), (c)(15) (applicable QAI section)). Respondent further agrees that “based on the record as it now stands, [P]etitioner has satisfied all legal prerequisites for compensation under the Act.” *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