

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 19-565V  
UNPUBLISHED

ASHISH DAVE,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: November 25, 2019

Special Processing Unit (SPU);  
Ruling on Entitlement; Concession;  
Table Injury; Meningococcal Vaccine;  
Vasovagal Syncope

*Kayleigh Kristine Smith, Greenwood Law Firm, Houston, TX, for petitioner.*

*Mark Hellie, U.S. Department of Justice, Washington, DC, for respondent.*

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

On April 16, 2019, Ashish Dave 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 from an episode of vasovagal syncope as a result of a meningococcal vaccine administered on June 26, 2018. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On November 24, 2019, 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 satisfied the

---

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 Because this unpublished ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims’ website in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

criteria set forth in the revised Vaccine Injury Table and the Qualifications and Aids to Interpretation, which afford petitioners a presumption of causation if onset of vasovagal syncope occurs within one hour after a meningococcal vaccination and there is no 'organic heart disease, cardiac arrhythmias, transient ischemic attacks, hyperventilation, metabolic conditions, neurological conditions, [or] seizures,' from which the loss of consciousness could have resulted." *Id.* at 4. Respondent further agrees that Petitioner has experienced the residual effects of his syncopal episode for more than six months. *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