

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 19-0818V

UNPUBLISHED

ANA MARGARITA FLORES,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: January 22, 2021

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

Paul Adrian Green, Law Office, Pasadena, CA, for Petitioner.

Mallori Browne Openchowski, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On June 3, 2019, Ana Margarita Flores 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 Guillain-Barré syndrome (“GBS”) as a result of an influenza (“flu”) vaccine administered on October 14, 2018. Petition at Introduction. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On January 19, 2021, 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 “[m]edical personnel at the Division of Injury

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims’ website in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

Compensation Programs, Department of Health and Human Services ('DICP'), have reviewed the petition and medical records filed in the case, and have determined that compensation is appropriate. DICP has concluded that petitioner's alleged GBS is consistent with the Vaccine Injury Table for GBS following the seasonal flu vaccination she received on October 14, 2018. DICP found that the onset of petitioner's symptoms fell within 3 to 42 days after vaccination. In addition, there is not a preponderance of medical evidence demonstrating that petitioner's GBS was due to a factor unrelated to the flu vaccine." *Id.* at 8. Respondent further agrees that Petitioner's records show that she suffered the sequela of her injury for more than six months after vaccination. *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