

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 19-0982V

NICOLE W. PELLY,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: July 24, 2025

Elizabeth Martin Muldowney, Sands Anderson, PC, Richmond, VA, for Petitioner.

Debra A. Filteau Begley, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On July 9, 2025, Nicole W. Pelly 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 developed Guillain-Barré Syndrome (“GBS”) as defined by the Vaccine Injury Table, following administration of an influenza (“flu”) vaccine on October 19, 2016. Petition at 1. In the alternative, petitioner alleged that her GBS was caused-in-fact and by the October 19, 2016, flu vaccination, and/or that the flu vaccination significantly aggravated an underlying condition that resulted in GBS. *Id.* at 1-2. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On May 30, 2025, Respondent filed his Rule 4(c) report in which he states that he does not contest that Petitioner is entitled to compensation in this case. Respondent’s

¹ Because this Ruling contains a reasoned explanation for the action taken in this case, it must be made publicly accessible and will be posted on the United States Court of Federal Claims’ website, and/or at <https://www.govinfo.gov/app/collection/uscourts/national/cofc>, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2018) (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 section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2018).

Rule 4(c) Report at 1. Specifically, Respondent states that he “does not dispute petitioner’s diagnosis of GBS. However, respondent has determined that he no longer wishes to defend against petitioner’s entitlement claim before the Office of Special Masters and requests a ruling on the record regarding petitioner’s entitlement to compensation.” *Id.* at 7-8.

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