

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 19-0992V

UNPUBLISHED

MARY KATHERINE SCALLION,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: November 13, 2020

Special Processing Unit (SPU);  
Ruling on Entitlement; Concession;  
Table Injury; Pneumococcal Vaccine;  
Shoulder Injury Related to Vaccine  
Administration (SIRVA)

*Nancy Routh Meyers, Turning Point Litigation, Greensboro, NC, for Petitioner.*

*Sarah Black Rifkin, U.S. Department of Justice, Washington, DC, for Respondent.*

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

On July 11, 2019, Mary Katherine Scallion 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 she suffered from a shoulder injury related to vaccine administration (“SIRVA”), as a result of receiving a pneumococcal vaccine administered on October 11, 2018. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On November 13, 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 that Petitioner “has satisfied the criteria set forth in the recently revised Vaccine Injury Table (‘Table’) and the Qualifications and Aids

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 Because this unpublished ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims’ website in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

to Interpretation (“QAI”), which afford petitioner a presumption of causation if the onset of SIRVA occurs less than 48 hours after a pneumococcal vaccination and there is no apparent alternative cause.” *Id.* at 4.

**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