

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 19-1143V

UNPUBLISHED

CATHERINE JONES,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: September 19, 2022

Special Processing Unit (SPU);
Ruling on Entitlement; Uncontested;
Table Injury; Influenza (Flu) Vaccine;
Shoulder Injury Related to Vaccine
Administration (SIRVA)

Maximillian J. Muller, Muller Brazil, LLP, Dresher, PA, for Petitioner.

Terrence Kevin Mangan, Jr., U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On August 6, 2019, Catherine Jones 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 a right shoulder injury related to vaccine administration (“SIRVA”) as a result of an influenza (“flu”) vaccine she received on October 31, 2016. Petition at 1. Petitioner further alleges that her injury lasted for more than six months. Petition at 3. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On July 20, 2022, I issued Findings of Fact, finding that Petitioner’s “flu vaccine was administered to her right arm, and that the onset of her right shoulder pain likely

¹ Because this unpublished Ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in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 section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

began within the 48-hour timeframe required to establish a Table SIRVA claim.” ECF No. 30, at 2.

On September 18, 2022, Respondent filed his Amended Rule 4(c) report in which he states that he does not contest that Petitioner is entitled to compensation in this case in light of my factual ruling. Respondent’s Amended Rule 4(c) Report at 2. Specifically, Respondent states that “[i]n light of the Chief Special Master’s fact ruling and medical record evidence submitted in this case, respondent does not dispute that petitioner has satisfied all legal prerequisites for compensation under the Act.” *Id.* at 6. Respondent further requests that I decide the issue of entitlement in this case based on the record as it now stands. *Id.* at 7.

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