

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 20-0024V

UNPUBLISHED

PAOSHOUA VUE,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: June 1, 2021

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

*Jessica Olins, Maglio Christopher & Toale, PA, Washington, DC, for petitioner.*

*Catherine Elizabeth Stolar, U.S. Department of Justice, Washington, DC, for respondent.*

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

On January 8, 2020, Paoshoua Vue 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 her receipt of an influenza (“flu”) vaccination on October 26, 2018 caused her to develop a shoulder injury related to vaccine administration (SIRVA). Petition at 1, 4. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On May 28, 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 agrees that Petitioner had no history of pain, inflammation, or

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 Because this unpublished ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims’ website in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

dysfunction of the affected shoulder prior to vaccination; that Petitioner more likely than not suffered the onset of pain within 48 hours of vaccine administration; that Petitioner's pain and reduced range of motion were limited to the shoulder in which the vaccine was administered; and that there is no other condition or abnormality present that would explain Petitioner's symptoms. *Id.* at 8-9. Respondent further agrees that Petitioner received her vaccination in the United States and that Petitioner suffered the residual effects of her injury for more than six months after vaccine administration. *Id.* at 9.

**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