

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 20-0289V

UNPUBLISHED

KIMBERLY SALINO and MICHAEL SALINO, parents and natural guardians of M.S., a minor,

Petitioners,

v.

SECRETARY OF HEALTH AND HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: September 23, 2020

Special Processing Unit (SPU);  
Ruling on Entitlement; Concession;  
Table Injury; Measles Mumps  
Rubella (MMR) Vaccine;  
Thrombocytopenic Purpura (ITP)

*Robert Joel Krakow, Law Office of Robert J. Krakow, P.C. New York, NY, for petitioners.*

*Ronalda Elnetta Kosh, U.S. Department of Justice, Washington, DC, for respondent.*

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

On March 13, 2020, Kimberly Salino and Michael Salino 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”) on behalf of their child, M.S. Petitioners allege that M.S. suffered immune thrombocytopenic purpura (“ITP”) which meets the Table definition for ITP after receiving the measles, mumps, and rubella (“MMR”) vaccine on March 17, 2017. Petition at 1-2. The case was assigned to the Special Processing Unit of the Office of Special Masters.

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 Because this unpublished ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in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

On September 23, 2020, Respondent filed his Rule 4(c) report in which he concedes that Petitioners are entitled to compensation in this case. Respondent's Rule 4(c) Report at 1. Specifically, Respondent indicates "[i]t is [his] that petitioners have satisfied the criteria set forth in the Vaccine Injury Table ("Table") and the Qualifications and Aids to Interpretation ("QAI"), which afford petitioners a presumption of causation because the onset of M.S.'s ITP occurred within seven to thirty days after MMR vaccination and there is not an alternative cause." *Id.* at 5-6.

**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