

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 20-0377V

UNPUBLISHED

DAVID BUTTS,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: August 30, 2021

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

Bridget McCullough, Muller Brazil, LLP, Dresher, PA, for Petitioner.

Catherine Stolar, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On April 2, 2020, David Butts 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 his receipt of an influenza (“flu”) vaccination on October 18, 2018 caused him to develop a shoulder injury related to vaccine administration (SIRVA). Petition at 1. Petitioner further alleges that his left shoulder injuries lasted more than six months. Petition at ¶ 21. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On August 30, 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

¹ Because this unpublished Ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims’ website in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).

dysfunction of the left shoulder prior to his vaccination that would explain the alleged symptoms and examination findings occurring after vaccine injection; Petitioner more likely than not suffered the onset of pain within forty-eight hours of vaccine administration; Petitioner's pain and reduced range of motion were limited to the left shoulder in which the flu vaccine was administered; and there is no other condition or abnormality present that would explain Petitioner's symptoms. *Id.* at 7-8. Respondent further agrees that Petitioner satisfies the statutory requirement by suffering the residual effects or complications of his injury for more than six months after vaccine administration. *Id.* at 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