

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 20-1712V

A.R.,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: June 7, 2023

Refiled as Redacted: July 24, 2023

Ronald Craig Homer, Conway, Homer, P.C., Boston, MA, for Petitioner.

Steven Santayana, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On December 1, 2020, A.R. (“Petitioner”) 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 shoulder injury related to vaccine administration (“SIRVA”) following receipt of an influenza (“flu”) vaccine administered on December 11, 2018. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On June 7, 2023, Respondent filed a combined Rule 4(c) Report and Proffer in which he **concedes** that Petitioner is entitled to compensation in this case. Respondent’s Rule 4(c) Report and Proffer at 1. Specifically, Respondent states that Petitioner’s claim meets the Vaccine Injury Table (“Table”) criteria for SIRVA. *Id.* at 5 (citing 42 C.F.R. §§ 100.3(a)(XIV)(B), (c)(10)). Respondent further agrees that the case was timely filed, that

¹ When this Ruling was originally filed, I advised my intent 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 (2018) (Federal Management and Promotion of Electronic Government Services). In accordance with Vaccine Rule 18(b), Petitioner filed a timely motion to redact certain information. This decision is being posted with Petitioner’s name redacted to reflect her initials only. Except for those changes and this footnote, no other substantive changes have been made. This Ruling will be posted on the court’s website with no further opportunity to move for redaction.

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).

the vaccine was received in the United States, and that Petitioner satisfied the statutory severity requirement by suffering the residual effects or complications of the injury for more than six months after vaccine administration. *Id.* (citing Section 13(a)(1)(B); Section 11(c)(1)(D)(i)).

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