

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 20-1720V
UNPUBLISHED

MICHAEL MANTAGAS,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: April 4, 2022

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

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

Jamica Marie Littles, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On December 1, 2020, Michael Mantagas 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 alleged that he suffered a shoulder injury related to vaccine administration (“SIRVA”) as a result of the influenza (“flu”) vaccine administered in his left deltoid on November 18, 2019. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On April 1, 2022, Respondent filed his Rule 4(c) report in which he **concedes** that Petitioner’s alleged injury is consistent with the SIRVA criteria set forth in the Vaccine Injury Table (“Table”) and the accompanying Qualifications and Aids to Interpretation (“QAI”) and that compensation is appropriate. Specifically, Petitioner had no apparent history of pain, inflammation, or dysfunction in the shoulder at issue before vaccination;

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims’ website in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

the onset of Petitioner's pain occurred within 48 hours after receipt of an intramuscular vaccination; Petitioner's pain and reduced range of motion were limited to the shoulder in which the vaccine was administered; and there is no other condition or abnormality that would explain Petitioner's symptoms. Rule 4(c) Report at 6 (citing 42 C.F.R. §§ 100.3(a), (c)(10)).

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