

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS

Filed: December 29, 2022

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JOEL GRECO,	*	UNPUBLISHED
	*	
Petitioner,	*	No. 20-1932V
	*	
v.	*	Special Master Dorsey
	*	
SECRETARY OF HEALTH	*	Ruling on Entitlement; Concession;
AND HUMAN SERVICES,	*	Tetanus-Diphtheria-Acellular Pertussis
	*	("Tdap") Vaccine; Brachial Neuritis;
Respondent.	*	Table Injury.
* * * * *	*	

Nancy Routh Meyers, Turning Point Litigation, Greensboro, NC, for Petitioner.
Meghan Murphy, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On December 21, 2020, Joel Greco ("Petitioner") filed a petition for compensation under the National Vaccine Injury Compensation Program ("the Program")² alleging he suffered a shoulder injury related to vaccine administration as a result of a tetanus-diphtheria-acellular pertussis ("Tdap") vaccination he received on September 28, 2018. Petition at Preamble (ECF No. 1). On October 28, 2022, Petitioner filed an amended petition alleging instead that he suffered a Table injury of brachial neuritis as a result of the Tdap vaccine he received. Amended ("Am.") Petition at ¶ 18 (ECF No. 28).

On December 29, 2022, Respondent filed an amended report pursuant to Vaccine Rule

¹ Because this Ruling contains a reasoned explanation for the action in this case, the undersigned is 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, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

² The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-10 to -34 (2012). All citations in this Ruling to individual sections of the Vaccine Act are to 42 U.S.C. § 300aa.

4(c) in which he concedes that Petitioner is entitled to compensation in this case. Am. Respondent's ("Resp.") Report ("Rept.") at 1 (ECF No. 30). Based on a review of the medical evidence, Respondent states that "[P]etitioner has satisfied the criteria set forth in the Vaccine Injury Table and the Qualifications and Aids to Interpretation ("QAIs") for brachial neuritis from his Tdap vaccine" and satisfied the statutory severity requirement. Id. at 8. Therefore, "[P]etitioner has satisfied all legal prerequisites for compensation under the Act." Id. at 9.

A special master may determine whether a petitioner is entitled to compensation based upon the record. A hearing is not required. § 13; Vaccine Rule 8(d). In light of Respondent's concession and a review of the record, the undersigned finds that Petitioner is entitled to compensation. A separate damages order will issue.

IT IS SO ORDERED.

s/Nora Beth Dorsey

Nora Beth Dorsey
Special Master