

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 21-0695V

RUBY SIDDLE,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: 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 January 12, 2021, Ruby Siddle (“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 Table shoulder injury related to vaccine administration (“SIRVA”) and/or brachial neuritis as a result of an influenza (“flu”) vaccine on December 26, 2019. Petition (ECF No. 1) at 1; see *also* Amended Petition filed April 20, 2022 (ECF No. 26). The case was assigned to the Special Processing Unit of the Office of Special Masters.

On July 24, 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 compensation is appropriate for SIRVA, but not brachial neuritis. *Id.* at 1, 7. Petitioner’s alleged injury is

¹ Because this Ruling contains a reasoned explanation for the action taken in this case, it must be made publicly accessible and will be posted on the United States Court of Federal Claims’ website, and/or at <https://www.govinfo.gov/app/collection/uscourts/national/cofc>, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2018) (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).

consistent with SIRVA as defined by the Vaccine Injury Table (the “Table”). *Id.* at 7 (citing 42 C.F.R. §§ 100.3(a)(XIV)(B), (c)(10)). Respondent further agrees that Petitioner has satisfied all legal prerequisites for compensation under the Act. *Id.* at 7 (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