

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 21-1071V

UNPUBLISHED

TORI JONET,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: April 21, 2022

Special Processing Unit (SPU);
Ruling on Entitlement; Concession;
Table Injury; Influenza (Flu);
Tetanus; Vasovagal Syncope.

Mark Budzinski, Corneille Law Group, Green Bay, WI, for Petitioner.

Nina Ren, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On March 15, 2021, Tori Jonet 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 after receiving influenza (“flu”) and tetanus vaccines on November 15, 2019, she developed vasovagal syncope with residual effects lasting more than six months. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On March 21, 2022, 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 16. Specifically, Respondent believes that Petitioner has satisfied the criteria set forth in the applicable Vaccine Injury Table and the Qualifications and Aids to Interpretation,

¹ Because this unpublished Ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims’ website in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

which afford Petitioner a presumption of causation if the onset of vasovagal syncope occurs within one hour of her receipt of a covered vaccine (here, Petitioner's seasonal flu and tetanus toxoid-containing vaccinations) and there is no apparent alternative cause. *Id.* (citing 42 C.F.R. § 100.3(a)(1)(D), (XIV)(C), (c)(13)). Further, Petitioner experienced more than six months of residual effects. *Id.*

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