

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 21-1238V

UNPUBLISHED

TINA MICHELLE GRUBBS-ROBERTS,

Petitioner,

v.

SECRETARY OF HEALTH AND HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: December 14, 2022

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

Kyle Monroe Moore, Law Office of Kyle Moore, Atlanta, GA, for Petitioner.

Rachelle Bishop, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On April 19, 2021, Tina Michelle Grubbs-Roberts 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”) caused by an influenza vaccination she received on August 27, 2019. Petition at 1. Petitioner further alleges that her shoulder injury has persisted longer than six months. Petition at ¶34. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On December 13, 2022, Respondent filed his Rule 4(c) Report and Proffer on Damages (“Rule 4/Proffer”) in which he concedes that Petitioner is entitled to

¹ Because this unpublished Ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in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

compensation in this case. Respondent's Rule 4(c)/Proffer at 1. Specifically, Respondent states that "Petitioner had no recent history of pain, inflammation, or dysfunction of her right shoulder; the onset of pain occurred within forty-eight hours after receipt of an intramuscular vaccination; the pain was limited to the shoulder where the vaccine was administered; and no other condition or abnormality, such as brachial neuritis, has been identified to explain Petitioner's right shoulder symptoms." *Id.* at 6. Respondent further states that "Petitioner met the statutory requirements by suffering her right SIRVA for more than six months." *Id.* at 6.

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