

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 21-1257V

UNPUBLISHED

CHRISTINE M. BOYLE,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: June 12, 2023

Special Processing Unit (SPU);  
Ruling on Entitlement; Concession;  
Table Injury; Influenza (Flu) Vaccine;  
Tetanus-Diphtheria-Acellular  
Pertussis ("Tdap") Vaccine; Shoulder  
Injury Related to Vaccine  
Administration (SIRVA)

*Howard Dale Mishkind, Mishkind Law Firm Co., L.P.A., Beachwood, OH, for Petitioner.*

*Claudia Barnes Gangi, U.S. Department of Justice, Washington, DC, for Respondent.*

### **RULING ON ENTITLEMENT**<sup>1</sup>

On April 20, 2021, Christine M. Boyle ("Petitioner") filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*<sup>2</sup> (the "Vaccine Act"). Petitioner alleges that she suffered from a left-sided shoulder injury related to vaccine administration ("SIRVA") as a result of receiving an influenza ("flu") vaccination and a tetanus-diphtheria-acellular pertussis ("Tdap") vaccine on September 8, 2020. Pet. at 1, ECF No. 1; Am. Pet., ECF No. 22. Petitioner further alleges that she suffered the residual effects of her injury for more than six months. Am. Pet. at 3. The case was assigned to the Special Processing Unit of the Office of Special Masters.

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<sup>1</sup> 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.

<sup>2</sup> 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 (2018).

On June 5, 2023, 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 1, ECF No. 36. Specifically, Respondent indicated that Petitioner has "satisfied the criteria for SIRVA set forth in the Vaccine Injury Table and Qualifications and Aids to Interpretation." *Id.* at 6. Respondent further agrees that Petitioner "has satisfied all legal prerequisites for compensation under the Vaccine Act." *Id.* at 7.

**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