

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 21-1353V

UNPUBLISHED

MINDY SCHUEHRER,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: August 12, 2022

Special Processing Unit (SPU);  
Ruling on Entitlement; Concession;  
Table Injury; Influenza (Flu) Vaccine;  
Guillain-Barre Syndrome (GBS)

*Laura Levenberg, Muller Brazil, LLP, Dresher, PA, for Petitioner.*

*Martin Conway Galvin, U.S. Department of Justice, Washington, DC, for Respondent.*

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

On May 13, 2021, Mindy Schuehrer 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 Guillain-Barre Syndrome (“GBS”) resulting from an influenza (“flu”) vaccine received on September 19, 2018. Petition at 1. Petitioner further alleges she received the flu vaccine in the United States, her GBS and sequelae lasted for more than six months, and neither Petitioner nor any other party has filed an action or received compensation in the form of an award or settlement for Petitioner’s vaccine-related injuries. Petition at ¶¶ 2, 13-15. The case was assigned to the Special Processing Unit of the Office of Special Masters.

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 Because this unpublished Ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims’ website in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

<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 (2012).

On August 12, 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 1. Specifically, Respondent agrees that "petitioner's claim meets the Table criteria for GBS . . . . and is therefore entitled to a presumption of vaccine causation." *Id.* at 16-17. Respondent further agrees that "the records show that the case was timely filed; that petitioner received the vaccine in the United States; that the vaccine that petitioner received is set forth in the Vaccine Injury Table; that petitioner's injury lasted for at least six months; and that petitioner has not filed a prior action or received any prior compensation or award for an injury related to this vaccine. Therefore, based on the record as it now stands, petitioner has satisfied all legal prerequisites for compensation under the Act." *Id.* at 17 (citations omitted).

**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