

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 21-1591V

UNPUBLISHED

KATHLEEN PACHUCKI,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: April 21, 2023

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

*Michael G. McLaren, Black McLaren et al., P.C., Memphis, TN, for Petitioner.*

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

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

On July 20, 2021, Kathleen Pachucki 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 a shoulder injury related to vaccine administration (“SIRVA”) as a result of an influenza (“flu”) vaccine that was administered on January 7, 2020. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On April 19, 2023, Respondent filed his combined Rule 4(c) report and Response to Petitioner’s Motion for a Ruling on the Record (“Rule 4/Response”) conceding that Petitioner is entitled to compensation in this case. Rule 4/Response at 1. Specifically, Respondent states that “[P]etitioner has satisfied the criteria set forth in the Vaccine Injury

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 Because this unpublished Ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims’ website in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

Table (“Table”) and the Qualifications and Aids to Interpretation (“QAI”) for SIRVA. *Id.* at 6. Respondent further agrees that Petitioner has met all statutory and jurisdictional requirements. *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