

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 21-1753V

UNPUBLISHED

DR. MICHELLE PEREZ,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: January 24, 2023

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

Matthew F. Belanger, Faraci Lange LLP, Rochester, NY, for Petitioner.

Catherine Elizabeth Stolar, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On August 25, 2021, Dr. Michelle Perez 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 developed Guillain-Barré Syndrome (GBS) after receiving an influenza (flu) vaccination on December 19, 2019. Petition at 1. Petitioner further alleges that the vaccination was administered within the United States, her symptoms have persisted beyond six months, and that she has never received compensation in the form of an award or settlement, nor has she filed a civil action for her vaccine-related injuries. Petition at 1, 6. The case was assigned to the Special Processing Unit of the Office of Special Masters.

¹ Because this unpublished Ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in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

On December 23, 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 determined that "[P]etitioner experienced the onset of her symptoms three to forty-two days following vaccination, and she had bilateral flaccid limb weakness and decreased or absent deep tendon reflexes, a monophasic illness pattern, an interval between onset and nadir of weakness between twelve hours and twenty-eight days, a subsequent clinical plateau without significant relapse, and no more likely alternative diagnosis Therefore, petitioner is entitled to a presumption of vaccine causation." *Id.* at 6 (footnote and citation omitted). Respondent further agrees that this case was timely filed, she received her vaccination within the United States, and that she satisfied the statutory severity requirement insofar as she suffered the residual effects or complications of her injury for more than six months after vaccine administration. *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