

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 21-1774V

FELICIA R. WILLIAMS,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

* Chief Special Master Corcoran

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Filed: August 24, 2023

Jenifer Marie Placzek, Placzek Winget & Placzek, Springfield, MO, for Petitioner.

Tyler King, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On August 30, 2021, Felicia R. Williams (at the time a *pro se* litigant) filed this action seeking compensation under the National Vaccine Injury Compensation Program (the “Program”).² ECF No. 1. Petitioner alleged that she suffered a Table shoulder injury related to vaccine administration (“SIRVA”), as the result of an influenza (“flu”) vaccination received on October 23, 2019. *Id.*

On June 6, 2023, I found in a Findings of Fact and Conclusions of Law that Petitioner established her onset had occurred within 48 hours of vaccination, consistent with one of the SIRVA claim’s Table elements. ECF No. 43. On August 23, 2023, Respondent filed his Rule 4(c) Report stating that based on this fact finding, he would opt not to defend the case, adding that

¹ Under Vaccine Rule 18(b), each party has fourteen (14) days within which to request redaction “of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy.” Vaccine Rule 18(b). Otherwise, the whole Decision will be available to the public in its present form. *Id.*

² The Vaccine Program comprises Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3758, codified as amended at 42 U.S.C. §§ 300aa-10 through 34 (2012) [hereinafter “Vaccine Act” or “the Act”]. Individual section references hereafter will be to § 300aa of the Act (but will omit that statutory prefix).

Petitioner has otherwise satisfied the criteria set forth in the Vaccine Injury Table and QAI for SIRVA, thus entitling Petitioner to compensation in this case. Respondent's Rule 4(c) Report, dated August 23, 2023 (ECF No. 46) at 2. Specifically, Respondent indicates that

Medical personnel at the Division of Injury Compensation Programs, Department of Health and Human Services ("DICP") have reviewed the evidence filed in the case, as well as the Findings of Fact issued by the Chief Special Master. . . respondent submits that petitioner has otherwise satisfied the criteria set forth in the Vaccine Injury Table and the Qualifications and Aids to Interpretation ("QAI") for SIRVA.

Id. at 3 (citing 42 C.F.R. § 100.3(a)(XIV), (c)(10)).

In view of Respondent's position and the evidence of record, I find that Petitioner is entitled to compensation. A Damages Order will follow.

IT IS SO ORDERED.

s/Brian H. Corcoran
Brian H. Corcoran
Chief Special Master